

The Judiciary

State of Hawai'i

**Supplemental Budget
(2015-2017)
and
Variance Report
(2014-2016)
Submitted to the
Twenty-Eighth State Legislature**



December 2015

**To the Twenty Eighth State Legislature of Hawai'i
Regular Session of 2016**

As Chief Justice of the Hawai'i Supreme Court and Administrative Head of the Judiciary, it is my pleasure to transmit to the Hawai'i State Legislature the Judiciary's FB 2015-17 Supplemental Budget and Variance Report. This document was prepared in accordance with the provisions of Act 159, Session Laws of Hawai'i, 1974, and Chapter 37 of the Hawai'i Revised Statutes, as amended.

Hawaii's courts provide an independent and accessible forum to fairly resolve disputes and administer justice according to the law. Consistent with this principle, the courts seek to make justice available without undue cost, inconvenience, or delay.

The Judiciary recognizes that the economy is relatively stable, the overall economic outlook is decent, and tourism is expected to continue at a steady but modest growth rate. However, we are also aware that State government personnel have expressed concerns regarding having sufficient funds to meet expenditure requirements and mandated commitments. In addition, we understand that as part of the biennium budget concept, supplemental budget resources will be requested largely to address unforeseen developments, inadvertent oversights, and other special circumstances which might cause hardship on those we serve. We are also quite mindful of the many competing demands for the limited resources available. Accordingly, the Judiciary has tried to be very prudent in its supplemental budget request and focus only on its most pressing needs in the areas of essential staffing for court and administrative operations, specialty courts and programs, client services, security, and training.

Overall, the Judiciary is requesting 24 new permanent positions and additional funding of \$2.2 million for FY 2017. The need for additional essential staffing is a major concern for the Judiciary, especially as workload continues to increase and becomes more detailed and complex, and as additional demands and requirements are placed on judges and staff. This concern especially relates to Courts of Appeal which is requesting additional Staff Attorney and Appellate Court Clerk positions; to First Circuit which is requesting funding for an already authorized Family Court Judge and three support staff positions; and to Second and Fifth Circuits which are requesting positions and funding for a District Court Judge and a District Family Judge, respectively, as well as related support staff. Also important is a Third Circuit request for a no-cost conversion of a temporary Fiscal Clerk position in Kona to permanent, a position which has been vacated seven times since its creation in 2006 as incumbents have left for more secure positions elsewhere.

Three of our requests are related to specialty courts and programs, of which two are for funding and positions needed to sustain our Driving While Impaired and Hawai'i Zero to Three Courts currently funded by soon to expire grants. The third request is for three Social Worker positions to establish a Mental Health Unit in First Circuit to work with the Mental Health Court in expanding clientele and services, and to work with conditional release clients and others with severe mental illness. Another two requests are in the client services area. Specifically, an additional three Social Workers are needed for the Office of Public Guardian to more efficiently and better service its more than 700 incapacitated clients statewide, as well as any new clients. Also needed is additional funding in Second Circuit as legal counsel expenses have greatly

exceeded budgeted amounts in the last four years. Legal counsel is ordered by the Court and must be funded to ensure compliance with all laws covering the rights of parents in child protective proceedings.

Our last few requests cover the areas of security and training. In security, Second Circuit needs two additional contract security guards for two separate locations and Third Circuit needs two additional bailiff positions, one each for the Kohala/Hamakua area and Hilo Family Court. Training funds are being requested to establish an annual two-day conference for judges to focus on such things as bias and cultural awareness, barriers to access to justice, current issues unique to the judicial system, trends in civil/criminal/family law, new and revised laws and court decisions that may impact the Judiciary, and innovative court practices.

Capital Improvement Project (CIP) requirements remain a major item of concern as the Judiciary's infrastructure continues to age and deteriorate, and as the population served and corresponding demand for services provided by the Judiciary keep increasing. To that end, CIP funds totaling \$13.7 million are being requested to address certain critical needs, some of which relate to the health and safety of Judiciary employees and the public. Specifically, the Judiciary is requesting funds to upgrade and modernize the fire alarm and elevator system, repair basement leaks, and redesign the sheriff station at Kaahumanu Hale; replace the fire suppression data system in the main data center at Kauikeaouli Hale; and repair building leaks and damages at the Kauai Judiciary Complex.

The Judiciary recognizes that balancing the desire to continue to provide adequate public services to Hawaii's citizens against competing initiatives with available general fund resources creates difficult allocation decisions. To address this concern, and in keeping with its commitment toward increasing efficiency and access to justice, the Judiciary has included requests for additional resources which provide the greatest opportunity to immediately serve those requiring court services.

I know that the Legislature shares the Judiciary's commitment to preserving a fair and effective judicial system for Hawai'i. Only by having a strong, independent Judiciary that is respected and trusted by Hawaii's citizens will we be able to fulfill the responsibility that has been conferred upon us. On behalf of the Judiciary, I extend my heartfelt appreciation for your continued support and consideration.

Sincerely,

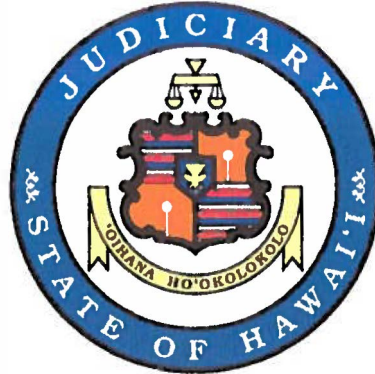
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MARK E. RECKTENWALD
Chief Justice
December 17, 2015

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PART I



Introduction

INTRODUCTION

The mission of the Judiciary as an independent branch of government is to administer justice in an impartial, efficient, and accessible manner in accordance with the law.

Judiciary Programs

The major program categories of the Judiciary are court operations and support services. Programs in the court operations category serve to safeguard the rights and interests of persons by assuring an equitable and expeditious judicial process. Programs in the support services category enhance the effectiveness and efficiency of the judicial system by providing the various courts with administrative services such as fiscal control and direction of operations and personnel.

The following is a display of the program structure of the Judiciary:

Program Structure Number	Program Level I II III	Program I.D.
01	The Judicial System	
01 01	Court Operations	
01 01 01	Courts of Appeal	JUD 101
01 01 02	First Circuit	JUD 310
01 01 03	Second Circuit	JUD 320
01 01 04	Third Circuit	JUD 330
01 01 05	Fifth Circuit	JUD 350
01 02	Support Services	
01 02 01	Judicial Selection Commission	JUD 501
01 02 02	Administration	JUD 601

Contents of Document

This document contains the Judiciary Supplemental Budget. It has been prepared to supplement the Judiciary Budget Document presented to the Legislature in December 2014, and serves as the basis for amending the Judiciary Appropriations Act (Act 138, SLH 2015) passed by the Twenty Eighth State Legislature.

The following is an explanation of the sections contained in this document:

Operating Program Summaries

The summaries in this section present data at the total judicial system level and at the court operations and support services levels.

Operating Program Plan Details

The Supplemental Budget is presented by major program areas. Each program area includes a financial summary, followed by narratives on the program objectives, and related data. The budget requests are listed and then discussed.

Capital Improvements Appropriations and Details

This section provides capital improvements cost information by project, cost element, and means of financing over the 6-year planning period.

Variance Report

This section provides information on the estimated and actual expenditures, positions, measures of effectiveness, and program size indicators for major program areas within the Judiciary.

The Budget

The recommended levels of operating expenditures for FY 2017 by major programs are as follows:

Operating Expenditures (in \$)

Major Program	MOF	Current Appropriation	Supplemental Request	Total Request
Courts of Appeal	A	6,713,204	151,803	6,865,007
First Circuit	A	82,178,576	864,415	83,042,991
	B	4,150,321	---	4,150,321
Second Circuit	A	16,414,724	578,916	16,993,640
Third Circuit	A	19,427,874	77,866	19,505,740
Fifth Circuit	A	7,513,151	317,906	7,831,057
Judicial Selection Commission	A	93,418	---	93,418
Administration	A	25,841,778	236,243	26,078,021
	B	7,989,841	---	7,989,841
	W	<u>343,261</u>	<u>---</u>	<u>343,261</u>
Total	A	158,182,725	2,227,149	160,409,874
	B	12,140,162	---	12,140,162
	W	<u>343,261</u>	<u>---</u>	<u>343,261</u>

Revenues

The projected revenues (all sources) for FY 2017 by major programs are as follows:

Revenues (in \$)

Major Program	Amount
Courts of Appeal	90,839
First Circuit	36,873,749
Second Circuit	4,145,305
Third Circuit	5,022,878
Fifth Circuit	1,874,149
Administration	<u>398,862</u>
Total	<u>48,405,782</u>

Cost Categories, Cost Elements, and Means of Financing

"Cost categories" identifies the major types of costs and includes operating and capital investment.

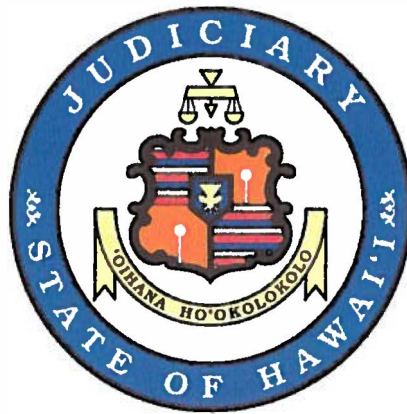
"Cost elements" identifies the major subdivisions of a cost category. The category "operating" includes personal services, other current expenses, and equipment. The category "capital investment" includes plans, land acquisition, design, construction, and equipment.

"Means of financing" (MOF) identifies the various sources from which funds are made available and includes general funds (A), federal funds (N), special funds (B), revolving funds (W), and general obligation bond funds (C).

This document has been prepared by the Office of the Administrative Director with assistance from the Judiciary staff. It is being submitted to the Twenty-Eighth State Legislature in accordance with the provisions of Chapter 37, Hawai'i Revised Statutes.

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PART II



Operating Program Summaries

JUDICIARY
STATE OF HAWAII

PROGRAM TITLE:
THE JUDICIAL SYSTEM

PROGRAM STRUCTURE LEVEL NO. I

PROGRAM STRUCTURE NO. 01

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II		
Level III		

PROGRAM EXPENDITURES (In dollars)	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs								
	1,952.50	0.00	1,952.50	1,952.50	24.00	1,976.50	1,952.50	1,976.50
Personal Services	117,041,052	0	117,041,052	119,871,008	1,659,258	121,530,266	236,912,060	238,571,318
Other Current Expenses	50,505,255	0	50,505,255	49,815,255	478,763	50,294,018	100,320,510	100,799,273
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	984,985	0	984,985	979,885	89,128	1,069,013	1,964,870	2,053,998
Motor Vehicles	0	0	0	0	0	0	0	0
	1,952.50	0.00	1,952.50	1,952.50	24.00	1,976.50	1,952.50	1,976.50
Total Operation Costs	168,531,292	0	168,531,292	170,666,148	2,227,149	172,893,297	339,197,440	341,424,589
Capital & Investment Costs	55,000,000	0	55,000,000	0	13,684,000	13,684,000	55,000,000	68,684,000
	1,952.50	0.00	1,952.50	1,952.50	24.00	1,976.50	1,952.50	1,976.50
Total Program Expenditures	223,531,292	0	223,531,292	170,666,148	15,911,149	186,577,297	394,197,440	410,108,589

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
General Fund	1,910.50	0.00	1,910.50	1,910.50	24.00	1,934.50	1,910.50	1,934.50
	156,067,039	0	156,067,039	158,182,725	2,227,149	160,409,874	314,249,764	316,476,913
Special Funds	42.00	0.00	42.00	42.00	0.00	42.00	42.00	42.00
	12,120,992	0	12,120,992	12,140,162	0	12,140,162	24,261,154	24,261,154
Revolving Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	343,261	0	343,261	343,261	0	343,261	686,522	686,522
G.O. Bond Fund	55,000,000	0	55,000,000	0	13,684,000	13,684,000	55,000,000	68,684,000
	1,952.50	0.00	1,952.50	1,952.50	24.00	1,976.50	1,952.50	1,976.50
Total Financing	223,531,292	0	223,531,292	170,666,148	15,911,149	186,577,297	394,197,440	410,108,589

JUDICIARY
STATE OF HAWAII

PROGRAM TITLE:
COURT OPERATIONS

PROGRAM STRUCTURE LEVEL NO.II

PROGRAM STRUCTURE NO. 01 01

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III		

PROGRAM EXPENDITURES (In dollars)	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs								
	1,723.50	0.00	1,723.50	1,723.50	21.00	1,744.50	1,723.50	1,744.50
Personal Services	101,080,223	0	101,080,223	103,392,771	1,503,228	104,895,999	204,472,994	205,976,222
Other Current Expenses	33,005,079	0	33,005,079	33,005,079	398,550	33,403,629	66,010,158	66,408,708
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	5,100	0	5,100	0	89,128	89,128	5,100	94,228
Motor Vehicles	0	0	0	0	0	0	0	0
	1,723.50	0.00	1,723.50	1,723.50	21.00	1,744.50	1,723.50	1,744.50
Total Operation Costs	134,090,402	0	134,090,402	138,397,850	1,990,908	138,388,756	270,488,252	272,479,158
Capital & Investment Costs	0	0	0	0	0	0	0	0
	1,723.50	0.00	1,723.50	1,723.50	21.00	1,744.50	1,723.50	1,744.50
Total Program Expenditures	134,090,402	0	134,090,402	136,397,850	1,990,906	138,388,756	270,488,252	272,479,158

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
General Fund	1,682.50	0.00	1,682.50	1,682.50	21.00	1,703.50	1,682.50	1,703.50
	129,945,603	0	129,945,603	132,247,529	1,990,906	134,238,435	262,193,132	264,184,038
Special Funds	41.00	0.00	41.00	41.00	0.00	41.00	41.00	41.00
	4,144,799	0	4,144,799	4,150,321	0	4,150,321	8,295,120	8,295,120
Revolving Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0	0	0	0	0	0	0	0
G.O. Bond Fund	0	0	0	0	0	0	0	0
	1,723.50	0.00	1,723.50	1,723.50	21.00	1,744.50	1,723.50	1,744.50
Total Financing	134,090,402	0	134,090,402	136,397,850	1,990,906	138,388,756	270,488,252	272,479,158

JUDICIARY
STATE OF HAWAII

PROGRAM TITLE:
SUPPORT SERVICES

PROGRAM STRUCTURE LEVEL NO.II

PROGRAM STRUCTURE NO. 01 02

POSITION IN PROGRAM STRUCTURE
Level No. Title

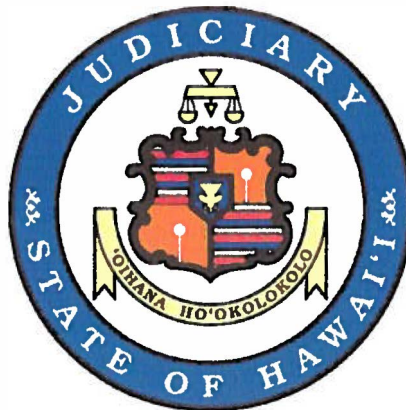
Level I 01 The Judicial System
Level II 02 Support Services
Level III

	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
PROGRAM EXPENDITURES (In dollars)	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	229.00	0.00	229.00	229.00	3.00	232.00	229.00	232.00
Personal Services	15,960,829	0	15,960,829	16,478,237	156,030	16,634,267	32,439,066	32,595,096
Other Current Expenses	17,500,176	0	17,500,176	16,810,176	80,213	16,890,389	34,310,352	34,390,565
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	979,885	0	979,885	979,885	0	979,885	1,959,770	1,959,770
Motor Vehicles	0	0	0	0	0	0	0	0
	229.00	0.00	229.00	229.00	3.00	232.00	229.00	232.00
Total Operation Costs	34,440,890	0	34,440,890	34,288,298	236,243	34,504,541	68,709,188	68,945,431
Capital & Investment Costs	55,000,000	0	55,000,000	0	13,684,000	13,684,000	55,000,000	68,684,000
	229.00	0.00	229.00	229.00	3.00	232.00	229.00	232.00
Total Program Expenditures	89,440,890	0	89,440,890	34,288,298	13,920,243	48,188,541	123,709,188	137,629,431

	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
REQUIREMENTS BY MEANS OF FINANCING	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
General Fund	228.00	0.00	228.00	228.00	3.00	231.00	228.00	231.00
	26,121,436	0	26,121,436	25,935,196	236,243	26,171,439	52,056,632	52,292,875
Special Funds	1.00	0.00	1.00	1.00	0.00	1.00	1.00	2.00
	7,976,193	0	7,976,193	7,989,841	0	7,989,841	15,966,034	15,966,034
Revolving Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	343,261	0	343,261	343,261	0	343,261	686,522	686,522
G.O. Bond Fund	55,000,000	0	55,000,000	0	13,684,000	13,684,000	55,000,000	68,684,000
	229.00	0.00	229.00	229.00	3.00	232.00	229.00	232.00
Total Financing	89,440,890	0	89,440,890	34,288,298	13,920,243	48,188,541	123,709,188	137,629,431

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PART III



Operating Program Plan Details

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JUDICIARY
STATE OF HAWAII

PROGRAM TITLE:
COURTS OF APPEAL

PROGRAM STRUCTURE LEVEL NO.III

PROGRAM STRUCTURE NO. 01 01 01

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	01	Courts of Appeal

PROGRAM EXPENDITURES (In dollars)	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs								
	71.00	0.00	71.00	71.00	2.00	73.00	71.00	73.00
Personal Services	6,257,262	0	6,257,262	6,406,714	140,340	6,547,054	12,663,976	12,804,316
Other Current Expenses	306,490	0	306,490	306,490	0	306,490	612,960	612,980
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	0	0	0	0	11,463	11,463	0	11,463
Motor Vehicles	0	0	0	0	0	0	0	0
	71.00	0.00	71.00	71.00	2.00	73.00	71.00	73.00
Total Operation Costs	6,563,752	0	6,563,752	6,713,204	151,803	6,865,007	13,276,956	13,428,759
Capital & Investment Costs	0	0	0	0	0	0	0	0
	71.00	0.00	71.00	71.00	2.00	73.00	71.00	73.00
Total Program Expenditures	6,563,752	0	6,563,752	6,713,204	151,803	6,865,007	13,276,956	13,428,759

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	71.00	0.00	71.00	71.00	2.00	73.00	71.00	73.00
General Fund	6,563,752	0	6,563,752	6,713,204	151,803	6,865,007	13,276,956	13,428,759
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Special Funds	0	0	0	0	0	0	0	0
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Fund	0	0	0	0	0	0	0	0
	71.00	0.00	71.00	71.00	2.00	73.00	71.00	73.00
Total Financing	6,563,752	0	6,563,752	6,713,204	151,803	6,865,007	13,276,956	13,428,759

JUD 101 COURTS OF APPEAL PROGRAM INFORMATION AND BUDGET REQUESTS

Supreme Court

The mission of the Supreme Court is to provide timely disposition of cases, including resolution of particular disputes and explication of applicable law; to license and discipline attorneys; to discipline judges; and to make rules of practice and procedure for all Hawai'i courts.

Intermediate Court of Appeals (ICA)

The mission of the ICA is to provide timely disposition of appeals from trial courts and state agencies, including the resolution of the particular dispute and explication of the law for the benefit of the litigants, the bar, and the public.

A. PROGRAM OBJECTIVES

Supreme Court

- To hear and determine appeals and original proceedings that are properly brought before the court, including cases heard upon
 - applications for writs of certiorari
 - transfer from the ICA
 - reserved questions of law from the Circuit Courts, the Land Court, and the Tax Appeal Court
 - certified questions of law from federal courts
 - applications for writs directed to judges and other public officers
 - applications for other extraordinary writs
 - complaints regarding elections
- To make rules of practice and procedure for all state courts
- To license, regulate, and discipline attorneys
- To discipline judges

ICA

- To promptly hear and determine all appeals from the district, family, and circuit courts and from any agency when appeals are allowed by law.
- To entertain, at its discretion, any case submitted without suit when there is a question of law that could be the subject of a civil action or proceeding in the Circuit Court or Tax Appeal Court, and the parties agree to the facts upon which the controversy depends.

B. DESCRIPTION OF BUDGET REQUESTS

Staff Attorney and Appellate Court Clerk for ICA: This request in funding of \$151,803 for FY 2017 for a staff attorney and appellate court clerk will enhance the ICA's ability to handle its larger and more challenging caseload.

C. REASON FOR BUDGET REQUESTS

Staff Attorney and Appellate Court Clerk for ICA: This request of \$151,803 for FY 2017 is to add a staff attorney and appellate court clerk to the ICA to address its larger and more challenging caseload resulting from the 2006 restructuring of Hawaii's appellate court system.

Effective July 1, 2006, Act 202 of the 2004 Hawai'i Session Laws (Act 202) fundamentally changed Hawaii's appellate court system. Under the old system, all appeals were filed with the Hawai'i Supreme Court. The Supreme Court designated a portion of these appeals to the Intermediate Court of Appeals (ICA) for disposition, and the ICA had no involvement in the cases retained by the Supreme Court. Under the new system that took effect on July 1, 2006, virtually all appeals are filed with the ICA. The ICA is responsible for rendering a decision in these appeals, with the Supreme Court having the authority to exercise discretionary review of the ICA's decisions.

The change in the appellate system has significantly increased the ICA's caseload and its importance and responsibility in the appellate system. As a result of the change, the ICA's appeals caseload has almost doubled and its motions caseload has increased more than ten times. The ICA is currently responsible for about 90% of the appeals and 85% of the motions resolved each year, as compared to about 45% of the appeals and less than 10% of the motions resolved prior to the change in the appellate system. The restructured appellate system has also increased the number of appeals that are complex and raise issues of fundamental public importance that the ICA must decide, appeals that the Supreme Court would generally have retained and not designated to the ICA under the old system.

One of the primary functions of the ICA staff attorneys is to assist the ICA in deciding procedural and substantive motions. Another important function is to assist the court in researching and drafting decisions in appeals. As noted, the ICA's appeals and motions caseload has increased dramatically in comparison with its caseload under the old system. When the new appellate system was instituted, the ICA was allotted five staff attorneys, including a supervising

staff attorney. The ICA filled all these positions by early 2008, and no additional positions have been added since then. A new staff attorney position will enhance the ICA's ability to fulfill its increased responsibilities and expanded role in Hawaii's appellate system. It will enable the ICA to resolve more appeals and increase the ICA's ability to manage its caseload.

In connection with the 2006 reorganization, the ICA received approval for an appellate court clerk to support the five staff attorney positions. Given the large volume of work generated by the five staff attorneys, which includes processing the numerous motions filed with the ICA, an additional appellate court clerk is necessary to address the demands of supporting the ICA staff attorneys.

JUD 310 FIRST CIRCUIT, JUD 320 SECOND CIRCUIT, JUD 330 THIRD CIRCUIT, AND JUD 350 FIFTH CIRCUIT PROGRAM INFORMATION

The mission of each of the four circuits is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.

A. PROGRAM OBJECTIVES

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitutions of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interest of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and meets retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them toward socially acceptable behavior and thereby promote public safety.
- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought to the courts, and by providing a proper legal remedy for legally recognized wrongs.

- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Courts so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Courts and assist them toward socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Courts by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from collisions due to unsafe driving decisions and behavior.
- To develop a statewide drug court treatment and supervision model for non-violent adults and juveniles, adapted to meet the needs and resources of the individual jurisdictions they serve.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

LAND COURT/TAX APPEAL COURT

- To provide for an effective, equitable, and expeditious system for the adjudication and registration of title to land and easements and rights to land within the State.
- To assure an effective, efficient, and expeditious adjudication of all appeals between the tax assessor and the taxpayer with respect to all matters of taxation committed to its jurisdiction.
- To provide a guaranteed and absolute register of land titles which simplifies for landowners the method for conveying registered land.

JUDICIARY
STATE OF HAWAII

PROGRAM TITLE:
FIRST CIRCUIT

PROGRAM STRUCTURE LEVEL NO.III

PROGRAM STRUCTURE NO. 01 01 02

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	02	First Circuit

PROGRAM EXPENDITURES (In dollars)	FISCAL YEAR 2016-18			FISCAL YEAR 2018-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs								
	1,118.50	0.00	1,118.50	1,118.50	8.00	1,126.50	1,118.50	1,126.50
Personal Services	64,547,894	0	64,547,894	66,026,132	687,168	66,713,300	130,574,026	131,261,194
Other Current Expenses	20,302,765	0	20,302,765	20,302,765	153,150	20,455,915	40,605,530	40,758,680
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	5,100	0	5,100	0	24,097	24,097	5,100	29,197
Motor Vehicles	0	0	0	0	0	0	0	0
	1,118.50	0.00	1,118.50	1,118.50	8.00	1,128.50	1,118.50	1,126.50
Total Operation Costs	84,855,759	0	84,855,759	86,328,897	864,415	87,193,312	171,184,656	172,049,071
Capital & Investment Costs	0	0	0	0	0	0	0	0
	1,118.50	0.00	1,118.50	1,118.50	8.00	1,126.50	1,118.50	1,126.50
Total Program Expenditures	84,855,759	0	84,855,759	86,328,897	864,415	87,193,312	171,184,656	172,049,071

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
General Fund	1,077.50	0.00	1,077.50	1,077.50	8.00	1,085.50	1,077.50	1,085.50
	80,710,960	0	80,710,960	82,178,576	864,415	83,042,991	162,889,536	163,753,951
Special Funds	41.00	0.00	41.00	41.00	0.00	41.00	41.00	41.00
	4,144,799	0	4,144,799	4,150,321	0	4,150,321	8,295,120	8,295,120
Revolving Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0	0	0	0	0	0	0	0
G.O. Bond Fund	0	0	0	0	0	0	0	0
	1,118.50	0.00	1,118.50	1,118.50	8.00	1,126.50	1,118.50	1,126.50
Total Financing	84,855,759	0	84,855,759	86,328,897	864,415	87,193,312	171,184,656	172,049,071

JUD 310 FIRST CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

Establish Specialty Court Coordinator and Social Worker IV Positions and Funding for the Driving While Impaired (DWI) Court Program: The DWI Court Program is growing in client population and is currently in its fifth and final year of federal grant funding awarded by the National Highway Traffic Safety Administration (NHTSA). The NHTSA grant terminates September 30, 2016. This request for funding is to permanently establish this beneficial and nationally recognized program that targets the persistent problem of impaired driving in Hawai'i and focuses on the hard core, repeat offenders. To do that, a full-time Specialty Coordinator position costing \$63,198 and a Social Worker IV DWI Court Case Manager position costing \$49,914 in FY 2017 are needed. Another \$81,000 is needed for program supplies and equipment, electronic monitoring, incentives, and treatment services for the offenders.

Funding for a District Family Judge and Court Support Staff for the Family Court of the First Circuit: In 2007, the Legislature authorized eight positions for two District Family Judges and six related court support staff with no funding. In 2012, the Judiciary received funding for four of these positions: one Judge and three court support staff. This request is to fund the other previously authorized District Family Judge position costing \$185,760 and three court support staff positions plus equipment costing \$126,346. These positions are necessary to address the heavy Family Court calendars and backlog issues, as well as the continual increase and complexities of familial cases heard before the court which impact the public's access to justice and safety.

Establish Social Worker V (Coordinator) and Clerk III Positions for Hawai'i Zero to Three (HZTT) Program: The HZTT program in the Family Court seeks to continue services that focus on the well-being of infants and toddlers who have been removed from parental custody due to abuse and/or neglect. This request is for \$83,118 in FY 2017 to fund a HZTT Coordinator and Clerk III position that are currently funded through Substance Abuse and Mental Health Services Administration (SAMSHA) grant funds that will expire in July, 2016.

Establish Three Social Worker Positions to create a Mental Health Unit (MHU) within the First Circuit, plus funding for Mental Health Assessments and Client Services: This request is to create a MHU within the First Circuit Court, Adult Client Services Branch (ACSB) that would encompass and provide services to not only Mental Health Court (MHC) clients and court-ordered Conditional Release (CR) clients with persistent and severe mental illness (SMI), but also others in the general population that are dual diagnosed with drug addiction and mental health issues. To do this, First Circuit is requesting \$149,742 for three Social Worker IV positions; \$75,000 for mental health assessments and for client services/needs, such as emergency housing and medical/dental care; and \$13,897 for furniture and equipment. The overall goals are to bring more stability to our partnerships with other agencies involved in this area; increase our client referrals and population served, whether it be MHC, CR, or general population clients that are not necessarily diagnosed with SMI; reduce recidivism and increase public safety; decrease tax dollars spent on incarceration and hospitalization; and improve the overall operations, success, and efficiency of the MHC.

Establish One Judicial Clerk Position for Domestic Division Calendar Section, Family Court: First Circuit is requesting \$33,990 for an additional Judicial Clerk position and another \$2,850 for related equipment for its Family Court Domestic Division Calendar Section. This position will provide this section with enough staff to meet daily workload demands and help the Judiciary support its mission of administering justice in an efficient, timely, and accessible manner.

B. REASON FOR BUDGET REQUESTS

Establish Specialty Court Coordinator and Social Worker IV Positions and Funding for the DWI Court Program: The First Circuit is requesting funding of approximately \$194,000 in FY 2017 to permanently establish the DWI Court Program. The funds will cover the cost of a permanent full-time Specialty Court Coordinator and Social Worker IV DWI Court Case Manager. Funding is also requested for other miscellaneous supplies, equipment, and software, as well as for electronic monitoring, incentives, and treatment services to help manage the offenders.

The DWI Court Program was established in April 2012 and has been operational since January 2013, with initial federal funding for the program coming from the NHTSA through a grant administered by the State Department of Transportation. NHTSA recently awarded the DWI Court program a fifth and final year of grant monies which will expire on September 30, 2016. No additional extensions are possible. The DWI Court Program confronts the persistent problem of impaired driving in Hawai'i and seeks to reduce recidivism among repeat and high-risk offenders by addressing the underlying cause of impaired driving, which is alcohol and substance abuse. Without intervention, this population of chronic impaired drivers will continue to reoffend, congest court dockets, and endanger public safety on our roadways.

According to the NHTSA Fatality Analysis Reporting System, 30,057 people were killed in motor vehicle crashes nationwide in 2013. Alcohol impaired driving accounted for 9,158 or 30% of these motor vehicle traffic fatalities. In 2013, 102 people were killed in motor vehicle crashes in Hawai'i. Thirty-three or 33% of these motor vehicle traffic fatalities resulted from alcohol-related crashes involving drivers whose blood alcohol concentration (BAC) was higher than 0.08%.

The DWI Court Program's target population is the hardcore, repeat offender, high BAC percent, impaired drivers who are overrepresented in these fatal crashes. Research indicates that this particular type of offender is not impacted by the same general deterrence methods that might affect other offenders, such as public awareness campaigns, or traditional sanctions, such as incarceration or large fines.

The goal of the DWI Court Program is for participants to maintain sobriety through a comprehensive, court-regulated treatment plan that requires accountability and provides intervention support for non-violent offenders. The DWI Court Program currently has 20 active participants and 17 successful graduates.

As of July 2015, the following statistics are available for the DWI Court Program:

- 218 individuals have been referred to the DWI Court Program. Of those referred, 103 individuals (47%) were deemed eligible for the Program. Of those deemed eligible, 52 individuals (50%) declined participation and/or chose to proceed through the adjudication process (before formal screening), 9 (9%) declined participation during or after the formal screening process, and 42 (41%) chose to enroll in the Program.
- Of the 52 individuals who declined participation, eight (16%) were re-arrested for another DWI. Comparatively, of the 42 participants who chose to enroll in the Program, only one (2%) was re-arrested for another DWI while receiving treatment. Of the 17 graduates, none (0%) have been rearrested or charged with DWI.

The anticipated results for establishing a DWI Court Program as a permanent program in the District Court of the First Circuit is that over time, there will be a reduction in recidivism in this population of repeat and high-risk offenders. This would ultimately save taxpayer money, reduce court caseload, and improve public safety on our roadways.

Research of similar programs in other states shows success in reducing recidivism rates. The Pacific Institute for Research and Evaluation and NHTSA study of three Georgia DWI Courts found that:

- Repeat DWI offenders graduating from the DWI Courts were up to 65% less likely to be re-arrested for a new DWI offense.
- All DWI Court participants had a recidivism rate of 15%, whether or not they graduated or terminated; conversely, there was a rate of up to 35% for those not in DWI Court.
- The three DWI Courts prevented between 47 and 112 repeat DWI arrests.
- The DWI Courts saved a substantial amount of taxpayer money that would have been needed for incarceration, court time, and probation supervision.

A Wisconsin evaluation found that recidivism rates were significantly lower for its DWI Court participants than for a comparison sample of non-DWI offenders.

A Michigan study that evaluated DWI Courts in three counties found that nearly all of the comparisons favored better outcomes for DWI Court participants. In one county, the DWI Court participants were up to 19 times less likely to reoffend. The study also found that the DWI Courts saved the criminal justice system time and money when compared to a traditional court.

The Hawai'i DWI Court was honored with the NHTSA's top national award for public service at the 2015 Lifesavers Conference. The plaque citation reads: "In recognition of the collaborative efforts to reduce traffic fatalities due to alcohol impaired driving by creating Hawaii's first DWI Court Program for repeat offenders."

By establishing the DWI Court Program as a permanent program within the District Court of the First Circuit, we will be able to continue the success of the initial pilot program and provide active monitoring of the treatment and recovery process for these repeat and high-risk offenders.

Funding for a District Family Judge and Court Support Staff for the Family Court of the First Circuit: In 2007, the First Circuit Family Court requested the creation and funding for two additional District Family Judges and six court support staff positions. In 2012, the Legislature approved funding for one District Family Judge and three court support staff positions. This request seeks funding for the remaining four positions which are a District Family Judge, two Court Clerks, and one Court Bailiff costing \$307,206 plus an additional \$4,900 for equipment.

Presently, the Family Court Judges do not have enough time to give to individual litigants and cases. This problem has continued to grow as the number of cases and the complexities of these cases increase. Rather than request additional resources and despite staff shortages, the Family Court Judges and staff have worked to maximize their efforts to meet the increasing demand. However, working at such a pace and overtaxing of staff for so long have come at a very high cost. The increase in caseload has resulted in delays in scheduling and hearing cases, increases in the number of ex-parte motions requesting expedited hearings, and delays in the timely processing of documents. All of this contributes to the frustration of the judges, staff, and the public, in addition to impacting the public's access to justice and safety.

The total caseload numbers do not accurately reflect the number of hearings per case, the length and complexity of these cases, the impact of the large number of self-representing litigants, and the changes in state and federal laws and regulations.

The Family Court of the First Circuit is divided into four divisions - Domestic, Special, Juvenile, and Adult Criminal. The Domestic Division deals with divorces, civil union divorces, and interstate child custody cases that involve pre-divorce decree, divorce trial, and post-decree issues. The Special Division deals with cases involving paternities, Temporary Restraining Orders (TROs)/Orders for Protection, guardianship of minors, guardianship of incapacitated adults, involuntary mental health commitments, assisted community treatment, adult hospitalizations, and emergency mental health commitments. The Juvenile Division hears cases involving juvenile law violations, status offenses, and child abuse and neglect. The Adult Criminal Division deals with Abuse of Family Household Member charges and violations of TROs and Orders for Protection.

Domestic Division

Currently, there are three District Family Judges assigned to this division.

The Domestic Division handles hearings involving issues of child custody and visitation, custody evaluations, child support, tax dependency, alimony, occupancy of home, property and real property division (including business valuations and divisions), division of retirement benefits, inheritance, division of stocks, division of financial accounts, payment of debts, awarding of vehicles, provision of health/dental insurance coverage for children and/or spouses, uncovered medical/dental expenses, extra-curricular activity expenses, private school expenses, post high school educational expenses, payment of taxes, need for firearms prohibition, and federal and military benefits. However, this is not an exhaustive list. On any given calendar, each judge has to decide any combination of these issues, all of which involve evidentiary hearings.

Motion to Set Calendar

One example of the backlog in the Domestic Division is with the Motion to Set calendar. Motions to Set are settlement conferences and/or trial setting conferences. When a Motion to Set

is filed, litigants currently have to wait approximately three to four months for a hearing date, then an additional five to six months for a trial date.

Pre/Post Divorce Decree Motions Calendar

Another example of the backlogs affecting litigants is on the Wednesday Pre/Post Divorce Decree calendar. In presiding over these calendars, the Domestic Division Judges decide any combination of issues mentioned in the previous paragraphs.

On the morning calendar, each judge hears approximately 7 to 10 cases. On the afternoon calendar, each judge hears approximately 10 to 12 cases. This means that each Domestic Division Judge is presiding over anywhere from 17 to 22 evidentiary hearings on any given Wednesday.

Another factor to consider on the Pre/Post Divorce Decree calendars is that of the litigants who appear before the Domestic Division Judges on the Wednesday morning and afternoon calendars, over 50% of the cases involve at least one pro se litigant. Pro se litigants take up a considerable amount of court time. Due to the sheer volume of cases on calendar for that day, judges either run court overtime which exhausts court staff, or they rush through cases to complete their calendars in a timely manner.

Special Division

Currently, there are three District Family Judges assigned to this division.

Uncontested Adoptions

One example of the backlog in this Division is with the Uncontested Adoption calendar. The petitions related to adoption in Family Court are unique because these are the only documents which are screened completely from start to finish by Family Court staff. Currently, there are about 40 to 50 petitions waiting to be screened before they can be set for hearing. Adoption cases are becoming increasingly complex with having to confirm that the requirements of the Indian Child Welfare Act (ICWA) and the Hague Convention are met, consents are properly obtained from biological/birth parents in surrogacy cases, and proper documentation has been obtained in foreign adoption cases.

The lack of dedicated court time to these uncontested adoption petitions contributes to the backlog as well. Because adoptions are only one of the many cases that Special Division Judges hear, adoption hearings are only held one afternoon each week because of a lack of calendaring time and lack of judges. Families wanting to adopt children are forced to wait many months to have their adoptions granted.

Paternity Calendar

Another example of the backlog is with the Paternity calendar. These cases involve issues of legal and physical custody, child support, visitation, medical/dental health insurance coverage, the tax dependency exemption, payment of uncovered medical/dental expenses, child care costs, private school tuition, and extra-curricular activity expenses. However, this list is not exhaustive as well.

Like the Divorce calendar, over 50% of the litigants who appear before the Special Division Judges are pro se litigants. Like the Domestic Division Judges, the Special Division Judges spend a majority of their court time with the pro se parties.

Previously, when a paternity petition was filed, litigants had to wait approximately 10 months for a hearing date. To help alleviate this backlog, the Special Division Judges, with the help of the Senior Judge and Per Diem Judges, added additional calendars on Wednesday, Thursday, and Friday afternoons to hear paternity cases.

Now, litigants have to wait approximately five months for a hearing date. However, this is still a long time to wait for litigants who need child support or medical coverage for their children, or who have not been able to see or visit with their children for weeks or months prior to coming to Court. While this is a temporary fix, like every other calendar in Family Court, the backlog will continue to build again.

TRO/Order for Protection Calendar

Special Division Judges hear TRO/Order for Protection cases on Mondays, Tuesdays, and Wednesdays. Whenever the judges are not in court, they also review and decide on ex-parte (non-hearing) TRO petitions daily. If an ex-parte TRO petition is granted, then a hearing is set. Due to the sheer amount of cases needing a hearing, Special Division Judges may go overtime and/or may rush through the cases to complete their heavy calendars while balancing the extremely real safety concerns, domestic violence dynamics, and other concerns posed in these cases.

Again, like any other calendar in Family Court, a majority of the litigants who appear on the TRO calendar are pro se litigants which require additional court time by the Special Division Judges.

Juvenile Division

Currently, there are four District Family Judges assigned to this division.

Child Abuse and Neglect Cases ("CPS Cases")

Child Protective Services (CPS) Review cases are heard during the morning calendar, which equates to approximately a three and half hour time span Monday through Friday, which further breaks down to approximately only 15 minutes per case.

These cases involve issues including, but not limited to, child abuse and neglect, domestic violence, safety, substance abuse, mental health, and termination of parental rights.

Given the gravity of the situation and very real safety issues involved, Juvenile Division Judges balance the volume of the caseload and the seriousness of the issues while trying to build a working dynamic with the parties involved for the best interest of the children.

Law Violators and Status Offenders ("Juvenile Offender")

These cases involve juveniles who break the law or commit an offense that brings them under the jurisdiction of Family Court based solely on their status as a minor such as skipping school,

breaking curfew, etc. Currently, the wait for trial for a juvenile offender case is approximately three months.

Additionally, these Juvenile Division Judges also preside over our Specialty Courts: Juvenile Drug Court, Zero to Three Court, Girls Court, Family Drug Court, and Permanency Court. A Juvenile Judge is also presiding over the Imua Kakou Court (Voluntary Care to age 21), which was legislatively mandated, and our newest project, Truancy Court.

Other Factors Affecting Family Court Judges

Family Court Litigant Demographics

Family Court has a self-help desk called the Ho'okele Help Desk. There are Help Desk stations located in the Ronald T.Y. Moon Kapolei Courthouse and the Ka'ahumanu Courthouse in Honolulu. In 2014, Family Court Help Desk employees assisted 47,973 litigants, and during the first six months of 2015, serviced approximately 27,000 litigants. Assuming this same rate of assistance continues the rest of the year, the service to Family Court litigants could increase by more than 12% in 2015 as compared to 2014. A majority of the phone calls and in-person help are for pro se litigants. The number of pro se litigants in need of assistance will likely continue to grow because of the complexity of Family Court cases.

These numbers illustrate the overwhelming volume of pro se litigants that pass through the Family Court doors on a daily basis. Over 50% of the cases involve at least one pro se litigant. Many of the cases have double pro se parties, which mean both parties choose to, or due to financial constraints are forced to, represent themselves through a Court process that is unfamiliar, intimidating, and extremely overwhelming. As a result, Family Court Judges spend a considerable amount of court time interacting with the pro se litigants in court to help them resolve their issues.

Family Court Hearings are Evidentiary Hearings

Unlike any other court, the majority of the hearings held in Family Court are evidentiary hearings which involve the taking of testimony from the parties and any other witnesses, and which also may involve the introduction of exhibits. These hearings are extremely time consuming and require the full attention of the judge because they involve issues directly affecting families and children.

Sometimes, as a result of the calendar, each party is allotted only 15 minutes to present his or her case. This creates an access to justice issue as Family Court litigants are not fully afforded adequate time for their respective cases.

Not only do the litigants feel "rushed", which impedes settlement and clogs the court calendar, but more importantly, litigants are often not satisfied with their Family Court experience as the presiding judge is compelled to quickly make a decision that affects their everyday lives.

Conclusion

All of these hearings held in the Domestic, Special, and Juvenile Divisions involve issues that are sensitive in nature and highly emotional, and issues that are extremely important to the parties who appear before the Family Court Judges.

More often than not, the cases cross over among Divisions. It is not uncommon for a paternity case to have a related restraining order case and related child welfare case.

Ultimately, the cases that are heard in Family Court are unique in the sense that they involve fundamental issues that affect and are at the center of people's everyday lives – the safety and well-being of their children and families.

In conclusion, Family Court needs the additional judgeship and court staff positions to be funded in order to meet the needs of our community.

We are requesting funding for one permanent full-time Judge to preside over Family Court hearings and for court staff, specifically, two permanent full-time Circuit Court Clerk II positions and one permanent full-time Court Bailiff II position, to assist the judge in performing his/her duties in court and outside of court.

The Court Clerks take minutes of court proceedings that become part of the court record, receive and file documents and exhibits, schedule hearings, and handle inquiries and concerns from attorneys, parties, and the public. While one Court Clerk is in court with the judge, the other Court Clerk will be in chambers, preparing documents and files for upcoming hearings, processing documents, entering minutes into the court's data base systems of HAJIS, JUSTIS, ICAL or other data base systems, and answering telephone calls from attorneys and the public.

The Court Bailiff keeps order during court proceedings and facilitates the movement of cases being heard by the judges. The Court Bailiff also assists in directing the attorneys and parties to the correct courtroom or program, keeps order in the hallways by keeping parties to restraining order cases separate while they wait for their hearing to be called, and handles the phone calls from attorneys and parties who have permission to appear by phone for their hearing.

Our Kapolei Courthouse already has a courtroom, chambers, and office space available for the additional judge and staff.

According to the Judiciary's yearly caseload statistics, during FY 2014, the three judges in the Domestic Division handled 3,850 new cases plus the carryover of 2,818 cases from the prior fiscal year for a total caseload of 6,668 cases. During FY 2015, the Domestic Division handled 3,822 new cases plus the carryover of 3,535 cases from the prior fiscal year for a total caseload of 7,357 cases. The Domestic Division also handles Civil Union Actions and Proceedings which are included in the total number of cases per fiscal year. As such, each of the three Domestic Division Judges presides over trials and also has hearings to help parties reach an agreement and avoid court battles. Pre-trial and post-trial hearings are full evidentiary hearings, similar to the civil division, but without sufficient support staff and law clerks, and with no juries making dispositive decisions.

In FY 2014, the four Juvenile Division Judges handled 5,156 new juvenile cases and 1,097 new "children on status" cases ("children on status" cases are defined primarily as probation, protective supervision, family supervision, foster custody, and permanent custody cases.) Adding 2,711 carry-over juvenile cases and 2,243 carry-over "children on status" cases from FY 2013, the Juvenile Division Judges handled a total of 11,207 cases in FY 2014. During FY 2015, the Juvenile Division Judges handled 4,628 new juvenile cases plus the carry-over of 2,545 cases from the prior fiscal year for a total caseload of 7,173 juvenile cases. The Juvenile Division Judges also handled 1,109 new "children on status" cases plus the carry-over of 2,191 cases from

the prior fiscal year for a total of 3,300 “children on status” cases. Altogether, the Juvenile Division Judges handled 10,473 cases in FY 2015. Again, the total number of cases does not reflect that number of actual hearings held in each case. Besides the initial hearings and trial, adjudicated cases require many subsequent hearings over a number of years. Additionally, these Juvenile Division Judges also preside over our Specialty Courts. The judges are also presiding over the Voluntary Care to 21 Court, Imua Kakou, which the Legislature mandated; and our newest project, Truancy Court.

In FY 2014, the three Special Division Judges handled 6,632 new restraining order, paternity, adoption, involuntary commitment, and guardianship cases, plus the carryover of 2,103 cases from the prior fiscal year, for a total caseload of 8,735 cases. In FY 2015, the Special Division Judges handled 6,379 new restraining order, paternity, adoption, involuntary commitment, and guardianship cases, plus the carryover of 2,535 cases, for a total caseload of 8,914 cases. Although not every hearing is a trial, every hearing represents a family with all the complexities found in any family, except these families have the additional burdens that require court actions, such as domestic violence.

Additionally, Family Court Judges rotate monthly being on call 24 hours a day, 7 days a week, for emergency hospitalizations and mental health commitment determinations. The judges and staff also work with the community to create solutions for problems facing our children; speak at schools; and volunteer their time, after-hours, for mock trials, moot courts, task force meetings, and other community or school efforts and activities. The circuit is divided geographically with each Family Court Judge assigned a geographic area and the judges are expected to become familiar with their area’s schools, community needs, community leaders, and services.

All of the statistics do not account for a very important part of the duties of a judge, that is, preparing for cases. The judges must review and research the motions and other documents in the case file and related case files as well as draft orders, decisions, and findings of fact and conclusions of law (Family Court Judges are without Law Clerks to assist them). Other responsibilities assigned to Family Court Judges include: conducting status conferences, discovery conferences, pre-trial conferences, and case management activities; conducting settlement and trial setting conferences; and participating in various community and other agency activities (e.g., attending school meetings with parents and students).

As a decision maker, the Family Court Judge must focus on the “best interest” of the child standard, render timely decisions, hear testimony, conduct other court activities, manage cases, and perform administrative duties. As a leader, the Family Court Judge collaborates with and convenes agencies and community stake-holder groups, works to improve the justice system, enforces accountability among stake-holders, trains and educates community participants, and improves and establishes service provisions for children and families. As a student, the Family Court Judge reviews relevant case materials; keeps current with professional journals and research articles; seeks new resources for more comprehensive servicing of children and families; meets with court personnel, other judges, and community groups/leaders; and attends judicial conferences and training workshops/sessions.

Over the last three years, Family Court, First Circuit has seen an increase in the use of per diem judges. The table below shows the usage and cost of per diem judge coverage since FY 2012:

Fiscal Year	No. of Days	Cost	Percentage Increase
2012	587	\$299,209	
2013	657	334,485	11.9
2014	696	483,421	5.9
2015	769	544,821	10.5

With the additional judge, the total cost for per diem judges will reduce slightly, but the demand for per diem judge coverage will still exist because of the need for judges to recuse themselves due to case conflicts, attend meetings/provide services to various organizations and committees (both within the Judiciary and in the community), and attend training classes. Per diem judges also get temporarily assigned to handle Circuit Court cases and are needed when additional calendars are scheduled because of the demand for Family Court hearings. Presently, a per diem judge has been assigned to hear divorce cases every Wednesday in the Domestic Division since July, 2013.

Funding for the last District Family Judge and court support staff positions was provided in 2012. Due to the selection and confirmation process, the new judge did not begin his term until February, 2013. Family Court again became short staffed when one of its judges was confirmed to fill a Circuit Court Judge position in late 2014. A new District Family Judge began serving in that position in July 2015.

The justification for the two new District Family Judge and Court Support staff positions was set forth in the Judiciary's 2007-2009 Biennium requests. It included the following:

"Family Courts throughout the country, ours being no exception, have been compared to hospital emergency rooms as people who show up there are in crises and misery, and are often at their worst. Because our Family Court hears every kind of family problem, our judges see every family emergency imaginable. Children, sometimes as young as 11 years old, are arrested and brought to Family Court for having made poor choices, and our judges must decide if the children should be sent to the Hawai'i Youth Correctional Facility, to a treatment program, or released back into the community.

What does the judge do when the parents of a 14 year old runaway girl, who is pregnant, addicted to methamphetamine and in love with her pimp, look to the court for help? Parents are also brought to Family Court for harming their children and our judges must decide whether or not to terminate their parental rights, sometimes for as long as 16 or 17 years, depending on the age of the child.

What does the judge do when an infant has been severely hurt, but no one can say for sure if either parent did it? Family members (spouses, grandparents, siblings, and grandchildren), boyfriends, and girlfriends come to our Family Court seeking orders prohibiting other family members from contacting them. What does the judge do when a wife says that yes, her husband did constantly beat her up and threaten her all the time, but he's been very nice since the TRO

was issued and now she is adamant that he is not dangerous anymore? Our Family Court Judges are routinely asked to decide which parent gets to have the kids, inevitably altering forever the lives of not just the children, but of the parents as well.

What does a judge do when a divorcing parent decides to move to the mainland for a better job opportunity and wants to take the children with them, while the other parent wants to stay in Hawai'i with the children? These are gut-wrenching decisions, involving some of the most personal, emotional, and dangerous issues that exist. Yet, the painful reality, which has existed for some time now, is that the sheer volume of cases in Family Court makes it impossible to give the parties the time they want, need, and deserve, and to give the judges the time demanded by these complex and emotionally charged issues.

On any given morning (morning only, not a full day), a Family Court Judge handles between 10 and 20 Child Protective Services cases. These are cases where the judge must decide if the parents harmed their child and if so, whether to take the child from the parents. Looking at 15 cases in a morning, our Family Court Judges spend an average of just under 15 minutes per case, assuming that there are no delays that morning. Is 15 minutes a sufficient amount of time for a child?

In another real-life example, in one morning (morning only, not a full day), a Family Court Judge handles on average 12 to 15 TRO cases. These are cases where a judge must decide whether to restrain (keep away) fathers from mothers, grandchildren from grandparents, and so forth, and if so, for how long and under what conditions. Looking at 12 cases in a morning, our Family Court Judges spend between 17 and 18 minutes per TRO case. Again, this time-frame assumes no delays. Would someone so fearful of a relative that they sought a restraining order, or someone accused by a family member of needing to be restrained, feel that 17 to 18 minutes was enough time for the entire case to be presented and decided?

In one final example, it is very common for Family Court Judges to have only one day of trial to decide which divorcing parent gets custody of the children. This unbelievably short time-frame is a by-product of high caseload volume and few Family Court Judges. Further, devoting more than one day to trial would further delay other cases.

Finally, one can only imagine the pressure our judges are under knowing that they have to make such life-altering decisions in minutes. The implications of their decisions can be severe. If a child is returned home too soon, the child might be killed. If a TRO is denied, a grandmother or mother might die. If a child is not sent to the best home possible, the child's development may be impeded forever. Add to this is the reality that many of these cases include issues of chronic drug addiction, severe domestic violence, longstanding mental illness, poverty, and homelessness."

The additional Family Court Judge is critically needed to help families truly have their day in court. Authorization to fund the remaining Family Court Judgeship and three Court Support staff positions are therefore requested to ensure that our judges have the collective resources to devote sufficient time to litigants and that justice is properly administered in Family Court cases.

Establish Social Worker V (Coordinator) and Clerk III Positions for the HZTT Program: This vital program addresses the basic needs of infants and toddlers which are the largest single group of children in foster care in the United States and have the highest rates of victimization across all age groups. According to Department of Human Services data in 2011, which is the

latest research available, infants under one year of age constitute the largest age group in Hawai'i in foster care.

The HZTT Court began operation in 2008 through funding from Zero to Three, a national non-profit organization based in Washington, D.C. Zero to Three hired and employed a full-time community coordinator to work with the Hawai'i court program to perform the duties of a program coordinator. In November 2012, the funding source for the Coordinator position ended. Despite the loss of that funding, the HZTT program was able to obtain grant funding and has continued to work closely with the national Zero to Three Organization which provides technical assistance and data evaluation.

Presently, the HZTT program is staffed with one Coordinator and one temporary Social Worker position. The program is currently administered by the Family Drug Court Coordinator who transitioned the program from the Zero to Three Safe Babies Court Team Project in 2008 to the Family Court of the First Circuit in November 2012. The HZTT Coordinator is temporarily on loan from the Family Drug Court program and therefore is managing two very important and essential programs for the Judiciary. To ensure the viability and quality of the Family Court Drug Court program that he was hired to oversee, it is extremely important that he focus his full attention on the Drug Court Program and not have to try to run and be responsible for two disparate type programs, that is, HZTT and Family Drug Court. A clerk position is needed to prepare motions and reports; schedule and convene parent activities; and respond to inquiries from parents, service providers, and other members of the court team. Therefore, the HZTT program is requesting funding of \$83,118 in FY 2017 for a HZTT Coordinator and Clerk III position.

HZTT is currently funded through a grant received from SAMSHA. The grant will end on July 31, 2016, with the possibility of a one year extension. However, there are no assurances or indications to date that this grant will be renewed and if it is not, the HZTT program will not have funds to continue serving the youngest and most vulnerable members of the community. The science of early childhood development tells us that during the first three years of life, the brain undergoes dramatic development as the infant and toddlers acquire the ability to think, speak, learn and reason. Permanent positions are needed to serve the youngest and most defenseless children in our society. It is important that infants and toddlers ages zero to three in the Child Welfare system receive the specialized attention necessary for their normal development and for them to thrive as children and teenagers.

Since its inception in 2008, the HZTT program has serviced 63 families and 80 infants and toddlers. Presently, there are 14 active cases. With a dedicated coordinator and clerk, more families and children will be served and a more responsive and efficient program will be ensured. Staff will be able to commit their time and focus on achieving the goals of the HZTT program which include: developmentally appropriate services, securing a safe environment for the child, and eventually reunification with the parents, if possible. Babies and toddlers who are considered to be at-risk have a chance to experience positive, well-being outcomes because of programs such as the HZTT which provides early intervention and is designed to promote the best developmental outcomes for infants and toddlers who have been removed from parental custody due to abuse and/or neglect.

Establish Three Social Worker Positions to create a Mental Health Unit (MHU) within the First Circuit, plus funding for Mental Health Assessments and Client Services.

The First Circuit's goal is to create a MHU to provide services and intensive supervision to not only MHC clients and CR clients with SMI, but also general population clients that are dual diagnosed with drug addiction and mental health issues. To do this, First Circuit is requesting \$149,742 for three Social Worker IV positions; \$75,000 for mental health assessments and for client services/needs, such as emergency housing and medical/dental care; and \$13,897 for furniture and equipment. The overall goals are to bring more stability to our partnerships with other agencies involved in this area; increase our client referrals and population served, whether it be MHC, CR, or general population clients; reduce recidivism and increase public safety; decrease tax dollars spent on incarceration and hospitalization; and improve the overall operations, success, and efficiency of the MHC.

According to a Bureau of Justice "Statistic" report dated 2006, 64% of prison inmates have a mental health problem. It has been estimated that up to 40% of persons with SMI will come into contact with the criminal justice system at some point in their lives. Also, according to a report in the August 23, 2015 Honolulu Star Advertiser, approximately 51% of those arrested in Hawai'i had SMI or severe substance intoxication, and 40% were homeless. These statistics demonstrate the severity and extent of the problems that probation officers have to deal with involving the homeless and mentally ill in our community.

The daily cost to house an inmate in Hawaii's Correctional Facilities is \$140. As of September 30, 2015, First Circuit had 297 CR clients, that is, clients that have been placed on court ordered supervision following a judgment acquitting an offender of a criminal offense on the grounds of physical or mental disease, disorder, or defect. For these CR clients, non-compliance with their terms of supervision would result in hospitalization at the Hawai'i State Hospital, not prison. Hospitalization costs approximately \$765 per day, which is a very costly alternative to providing the specialized supervision that a MHU would offer. If treatment and stabilization became available to the SMI population, including those clients on CR, it is anticipated that incarceration and hospitalization days would greatly decrease, public safety would increase, and such clients would have more successful outcomes.

In February 2004, the Judiciary received funding from the Byrne Memorial Grant to establish the MHC. When the grant initially funding the MHC expired in 2008, the Legislature appropriated \$250,000 in general funds to continue the program with funding for a Coordinator, two Probation Officers, and a 60-client caseload, that is 30 cases per Probation Officer. Unfortunately, MHC lost one Probation Officer during the economic downturn, and the caseload has had to remain at much less than the 60 envisioned. Currently, it has 40 clients, 9 approved for admission and waiting for an open slot, and 10 more in various stages of the referral and assessment process. Approximately one third of the clients in the MHC program are able to get their charges dismissed upon graduation, thus allowing them to avoid the issues that come from having a felony conviction. Since its inception, MHC has had 41 graduates, with only one incidence of recidivism.

Regarding the three Social Worker (Probation Officer) positions requested, one would be added to MHC to work with the current Coordinator and Probation Officer, and the other two would work with the CR and SMI population. The MHC goal remains constant – to work with their clients so that they do not reenter the criminal justice system once they graduate. The additional

Probation Officers would also help to address clients on the waitlist and those in the referral process that may qualify for the program once the assessment process is completed.

Many of the mentally ill are arrested on warrants, largely for failing to appear in court or for technical violations that are directly attributed to their mental illness. Some mentally ill people end up spending more time in custody than a comparable felon, which is either a burden on the correctional system or contributory to the overcrowding at the Hawai'i State Hospital because they are unfit to proceed with their criminal cases. For the homeless that are mentally ill, the added stress of not having an appropriate and stable residence exacerbates the underlying mental health problems and issues, which makes it difficult for probation officers and treatment providers to assist them.

Permanent funding is also needed for mental health assessments and client services. Mental health assessments are utilized to obtain an evaluation on the condition of the client. The evaluation includes the best treatment options and level of service necessary to manage the client needs. Client services include incentives, emergency housing, and medical and dental care for offenders. Incarceration and hospitalization days would be reduced with funding to provide housing. Clients incarcerated or institutionalized for longer than a month lose their medical and financial benefits and have no means for housing, food, and treatment upon release. Having support until they can get their government benefits back in place increases their chances of successfully reintegrating into the community.

Establish One Judicial Clerk Position for the Domestic Division Calendar Section, Family Court: The Domestic Division Calendar Section, Family Court, requests one Judicial Clerk position costing about \$37,000. This will provide this section with enough staff to accomplish its daily fundamental duties and responsibilities, and improve the public's access to justice through efficient and timely processing of court documents for domestic cases. This position also correlates with the funding being requested for a new Family Court Judge and staff for the Domestic Division, and the need to efficiently and timely calendar and process these cases for four judges rather than three.

The Domestic Division Calendar Section currently has three Judicial Clerks who are responsible for preparing the court calendars, case files, and all related Division work which includes: handling inquiries from the public, external agencies, private attorneys and other court staff; preparing case files; and calendaring cases for 16 court sessions per week and additional special settings for three full-time Judges assigned to the Domestic Division. In FY 2015, there were 16,096 filings in the Family Court, First Circuit; 3,822 were marital actions and proceedings assigned to the Domestic Division. The Domestic Division Judicial Clerks prepared and calendared 4,030 uncontested divorce actions in FY 2015, an average of 78 per week, and scheduled and calendared 1,772 motions for court hearings. So, in the past fiscal year, 5,802 divorce documents passed through the hands of the three Judicial Clerks assigned to the Domestic Division Calendar Section, clearly justifying the need for another Judicial Clerk to assist this staff in the review, processing, and calendaring of domestic cases, and especially needed if an additional judge is approved and assigned to this section.

In 2013, an additional courtroom utilizing a Per Diem Judge was added to the Order to Show Cause calendar to address the overwhelming number of motions being submitted by attorneys and pro se parties. At present, there is a two-month backlog of motions that are waiting to be heard in court. If motions are not set for court hearings expeditiously, attorneys and pro se

parties begin making status checks on their documents and Court Clerks have to locate the motions which takes time away from their primary duties and responsibilities.

The Judicial Clerks have the daily responsibility of preparing the calendar of cases for the Judge. This task must be done in a timely and efficient manner so that the Judge who presides over the cases will have sufficient time to review the case history, documents, motions and other information that are pertinent to the case. The current staff of three Judicial Clerks works extremely hard and is motivated to meet the needs of the Judges, internal and external agencies, and the public to calendar the Family Court proceedings immediately and in the best interests of the parties. Domestic cases can be emotionally straining, therefore, it is important to handle these cases promptly and efficiently. Having another Judicial Clerk position would help process, prepare, and calendar these domestic cases timely for all the involved parties that are anxious to resolve their familial issues.

JUDICIARY
STATE OF HAWAII

PROGRAM TITLE:
SECOND CIRCUIT

PROGRAM STRUCTURE LEVEL NO.III

PROGRAM STRUCTURE NO. 01 01 03

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	03	Second Circuit

PROGRAM EXPENDITURES (In dollars)	FISCAL YEAR 2016-18			FISCAL YEAR 2018-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	207.00	0.00	207.00	207.00	4.00	211.00	207.00	211.00
Personal Services	11,716,733	0	11,716,733	11,966,071	297,726	12,263,797	23,702,804	24,000,530
Other Current Expenses	4,428,653	0	4,428,653	4,428,653	245,400	4,674,053	8,657,306	9,102,706
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	0	0	0	0	35,790	35,790	0	35,790
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	16,145,386	0	16,145,386	16,414,724	578,916	16,993,640	32,560,110	33,139,026
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	16,145,386	0	16,145,386	16,414,724	578,916	16,993,640	32,560,110	33,139,026

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
General Fund	16,145,386	0	16,145,386	16,414,724	578,916	16,993,640	32,560,110	33,139,026
Special Funds	0	0	0	0	0	0	0	0
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Fund	0	0	0	0	0	0	0	0
Total Financing	16,145,386	0	16,145,386	16,414,724	578,916	16,993,640	32,560,110	33,139,026

JUD 320 SECOND CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

Legal Counsel: This request is for \$165,000 to cover increasing Legal Counsel costs.

Additional Security: Second Circuit is requesting \$84,420 for two private security guards, one for Hoapili Hale, the main courthouse building on Maui, and one for the Adult Client Services Branch (ACSB) located in a separate building.

District Court Judgeship and Support Staff: Funding of \$329,496 is requested for a District Court Judge and related support staff to assist with increases in caseload.

B. REASON FOR BUDGET REQUESTS

Legal Counsel: The Second Circuit is requesting \$165,000 to cover the increasing costs related to the appointment of Legal Counsel for indigent parties in Family Court.

HRS Chapter 587A-17 (Child Protective Act) provides that the court may appoint an attorney to represent a legal parent who is indigent based on court-established guidelines. Court appointed Legal Counsel represent the indigent parents in child abuse and neglect cases. A recent Hawai'i Supreme Court ruling (SCWC 12-0000521) filed on January 6, 2014, mandated that indigent parents have a guaranteed constitutional right to court appointed counsel in parental termination proceedings under the due process clause. Therefore, trial courts **must** appoint counsel for indigent parents upon the granting of a petition to the Department of Human Services for temporary foster custody of their children.

In these cases, these parents have had their children temporarily removed from their custody, placed with foster parents, and they may be faced with having their parental rights permanently terminated by the Court. In cases involving indigent parents, the Second Circuit **must** pay for the cost of their representation by court-appointed legal counsel.

The role of the Legal Counsel in the child protection system is critical as there are negative long term social "costs" related to the psycho-social ramifications for children who languish in the foster care system. The number of Legal Counsel appointments and related expenditure costs have increased significantly in recent years. For example, in FY 2012, there were 65 Legal Counsel appointments; in FY 2015, there were 103, an almost 60% increase.

As the Second Circuit is comprised of a tri-isle county servicing Maui, Moloka'i and Lāna'i, more cases in the latter two locations have contributed to an increase in Legal Counsel travel expenses that are also incurred by the court. Overall, cases in general have become more complex and contentious, and costs associated with Legal Counsel services have consistently exceeded the Second Circuit's budget allocation by an average of \$165,000 over the last four

years. The additional funding will ensure that the Second Circuit is in compliance with the mandated requirements of the federal and state laws by fulfilling its legal obligation to ensure that indigent parents' constitutional rights are protected in child protective proceedings.

Additional Security: An additional \$84,420 for two contracted security guards is requested to better secure two facilities within the Second Circuit. The main courthouse on Maui, Hoapili Hale, was built in the early 1980s during a time when building security was not a major concern. As a result, Hoapili Hale does not have a single entry point screening system. Rather, it has multiple entry points into the facility due to the outdated physical structure of the building. The parking structure is situated under the building with access to all parking and courthouse floors via the public area and public elevators.

In 2013, the Second Circuit contracted with the National Center for State Courts (NCSC) to conduct a comprehensive security assessment of Hoapili Hale. In its report, NCSC recommended the establishment of a central screening station in a newly designed main entrance on the first floor plaza to ensure the safety of the judges, staff and public. This one entry point security screening station would ensure that all Judiciary users are properly screened before they enter the court building.

The Second Circuit is in the planning stage to initiate and request future CIP funding to permanently secure the building and create a one entry point security screening station, but there are no assurances if and when it will be funded by the Legislature when submitted. In the meantime, the Second Circuit would like to create an interim one point entry screening station in order to immediately address the building's serious security vulnerabilities. This interim screening plan will move the Second Circuit one step closer to having a fully secured facility. To do this will require an additional contracted security guard, as explained below.

Hoapili Hale currently consists of four main floors and an underground parking structure. The current parking structure contains five levels, P1, P2, P3, P4 and P5. All levels are reserved for employees, except P5 which services the public. Parking levels P1, P3 and P5 (public parking) have access to two main elevators which service all main levels of Hoapili Hale, floors one through four, thus allowing the public unrestricted access to Hoapili Hale. The current layout of Hoapili Hale is as follows:

1st Floor Departments:

- Administrative Staff (Court Administrators and their staff)
- Court Annexed Arbitration Branch
- Estate and Guardianship Branch
- Fiscal Office
- Personnel Branch
- Self Help Center
- Service Center and Jury Pool Staff
- Traffic Violations Branch

2nd Floor Departments:

- Chief Court Administrator's Office and staff
- Computer Support Branch
- Facilities Management Branch
- Juvenile Client and Family Services Branch (Juvenile Probation Division)
- Special Services Branch

3rd Floor Courtrooms for District Court and Family Court

4th Floor Courtrooms for Circuit Court

In order to be in compliance with the Americans with Disabilities Act mandates, and in consideration of Hoapili Hale's major security design flaw (its public elevators), the interim plan is to request an additional full-time contract security attendant to physically remain in and run one of the public elevators to service the parking and main levels of the building. The requested security attendant will retrieve all Judiciary users from the parking structure levels P1, P3, and P5, and have them exit on the first floor to be properly screened prior to entering Hoapili Hale.

Although the Department of Public Safety Sheriff's Division is the agency statutorily required to provide security at the Judiciary facilities, staff shortages and other resource issues have resulted in minimal support by the Sheriffs.

The second security guard position being requested is for ACSB located in a separate building. For the past 24 years, ACSB has been located in various leased spaces outside of the main courthouse due to serious space limitations at Hoapili Hale. In September 2014, the branch relocated to a new leased office space about two miles away from Hoapili Hale. Throughout the years, ACSB has never had security personnel stationed in the office or any type of screening equipment. The office consists of 32 employees, 28 of which are Probation Officers/Social Workers who routinely meet with clients who have felony convictions including serious property, person, drug, and sexual offenses. During the past four fiscal years, an average of about 3,500 supervision cases per year have been managed by ACSB. On average, more than 50 individuals (clients, attorneys, other members of the public, etc.) enter the ACSB office daily needing services.

Due to the high volume of cases and the nature of the work responsibilities of the Probation Officers/Social Workers, as well as the number of people entering the facility daily, one full-time security guard is requested for ACSB. This brings the total being requested to two contract security guards costing \$84,420.

District Court Judgeship: The Second Circuit is requesting \$329,496 for a District Court Judgeship and related staff support. The last Second Circuit District Court Judgeship was legislatively authorized in 1982 and that increased the number of District Court judge positions from two to three. Since then, the Maui County population has more than doubled from 76,970 to 163,019.

The Second Circuit has been experiencing an increase in criminal and traffic filings that have resulted in court calendars often taking all day to complete. For example, new criminal filings

increased from 2,859 in FY 2011 to 4,167 in FY 2015, an almost 50 percent increase, and traffic filings increased from 21,694 in FY 2011 to 23,315 in FY 2015. This leaves District Court Judges unable to attend to other judicial duties such as requests for finding of probable cause for extended restraint of liberty of warrantless arrestees (JDPCs); requests for review and approval of charging by felony information packet; requests for orders pertaining to bail; requests for execution of search warrants; requests for orders to show cause; requests for approval of temporary restraining orders and protective orders; review of civil traffic written statements; review of traffic notices of discrepancies; review and action on ex-parte and non-hearing motions.

The District Court convenes in Hana and Lānaʻi only once a month and on Molokaʻi only twice a month. These calendars are insufficient to keep up with the growing number of cases being filed in the rural courts and off-island courts. On Maui, court congestion is exacerbated by the fact that nearly all District Court civil, criminal and traffic cases in the Second Circuit fall within the venue of the Division of Wailuku, and are heard in Hoapili Hale in Wailuku.

The additional judge will help address the growing caseload in criminal and traffic filings while permitting the courts to accommodate the needs of its growing rural communities that are underserved at present. The additional judgeship will also enable the judges to attend to other judicial duties.

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JUDICIARY
STATE OF HAWAII

PROGRAM TITLE:
THIRD CIRCUIT

PROGRAM STRUCTURE LEVEL NO.III

PROGRAM STRUCTURE NO. 01 01 04

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	04	Third Circuit

PROGRAM EXPENDITURES (In dollars)	FISCAL YEAR 2015-18			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs								
	228.00	0.00	228.00	228.00	3.00	231.00	228.00	231.00
Personal Services	13,083,784	0	13,083,784	13,385,852	70,788	13,438,440	26,449,416	26,520,204
Other Current Expenses	6,082,222	0	6,082,222	8,082,222	0	6,062,222	12,124,444	12,124,444
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	0	0	0	0	7,078	7,078	0	7,078
Motor Vehicles	0	0	0	0	0	0	0	0
	228.00	0.00	228.00	228.00	3.00	231.00	228.00	231.00
Total Operation Costs	19,145,986	0	19,145,986	19,427,874	77,866	19,505,740	38,573,860	38,651,726
Capital & Investment Costs	0	0	0	0	0	0	0	0
	228.00	0.00	228.00	228.00	3.00	231.00	228.00	231.00
Total Program Expenditures	19,145,986	0	19,145,986	19,427,874	77,866	19,505,740	38,573,860	38,651,726

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
General Fund	228.00	0.00	228.00	228.00	3.00	231.00	228.00	231.00
	19,145,986	0	19,145,986	19,427,874	77,866	19,505,740	38,573,860	38,651,726
Special Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0	0	0	0	0	0	0	0
Revolving Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0	0	0	0	0	0	0	0
G.O. Bond Fund	0	0	0	0	0	0	0	0
	228.00	0.00	228.00	228.00	3.00	231.00	228.00	231.00
Total Financing	19,145,986	0	19,145,986	19,427,874	77,866	19,505,740	38,573,860	38,651,726

JUD 330 THIRD CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

Court Bailiffs: This request is for \$77,866 for two Court Bailiff II positions for Hilo Family Court and Kohala/Hāmākua Division.

Conversion of a Kona Clerk III position: This request is to convert a temporary Clerk III position to permanent status for the Kona Fiscal Unit.

B. REASON FOR BUDGET REQUESTS

Court Bailiff Positions for Hilo Family Court and Kohala/Hāmākua Division: Third Circuit is requesting \$77,866 for two Court Bailiff II positions and related equipment.

In 2008, a Court Bailiff position was authorized by the Legislature for the Kohala/Hāmākua division but was cut due to funding restrictions. There are currently no Bailiffs assigned to the one Judge in the Kohala/Hāmākua division. To compensate for the loss, the Court Clerks and Judicial Clerk Supervisor have assumed the Bailiff's duties, but this has taken them away from their duties such as disposing cases, entering court minutes, and supervising other clerks. As a result, court documents and dispositions are not being processed in a timely manner. Bailiffs in other divisions in Hilo and Kona are assisting by traveling over 50 miles from their sites to tend to certain court calendars. However, travel time for the covering Bailiffs is more than two hours and additional Judiciary costs are incurred for fuel and/or mileage.

The Hilo division has only one Bailiff for the two Family Court Judges on staff. Likewise, the lack of a Bailiff in Hilo Family Court has resulted in Court Clerks performing bailiff duties which negatively affects them from completing their own tasks.

Court security is a major concern and Bailiffs assist with courtroom security by providing order in the gallery. Bailiffs also assist with the safety of the courtroom, especially when sheriffs are not present as sometimes occurs since sheriffs are not consistently assigned to the rural courthouses. Bailiffs serve an important role in the courts, helping to maintain order while cases are called and summoning police or security if necessary. The requested Bailiffs will help ensure a safer environment within the courts and avoid personnel in other positions being taken away from their duties.

Conversion of Kona Clerk III Position: The Third Circuit is requesting to convert a Clerk III position in the Kona Fiscal Unit from temporary to permanent status. The Clerk III files and enters cases (parking, traffic infractions and traffic crimes) and related financial transactions into JIMS; collects fines, fees, and deposits; tabulates monies received; and assists with information requests received whether in-person, by telephone, or by mail.

The Clerk III is valuable and serves an important role helping the Fiscal Unit keep current with its operations. However, the temporary nature of the position makes it difficult to retain people. Workers in temporary positions naturally gravitate away to permanent positions. Since the position was created in 2006, it has been vacant seven times and training new workers is time consuming. Extended periods of vacancy result in backlogs and service delays. The chart below reflects the periods when the position was filled and vacant:

Entry	Exit	Employee Number	No. of Days	
			Filled	Vacant
8/7/2006	10/10/2006	3823	64	
10/11/2006	12/11/2006	Vacant		63
12/12/2006	2/2/2007	3911	52	
2/3/2007	7/31/2007	Vacant		180
8/1/2007	7/1/2009	4055	700	
7/2/2009	11/22/2009	Vacant		145
11/23/2009	8/9/2010	4501	259	
8/10/2010	12/19/2010	Vacant		133
12/20/2010	9/4/2012	4725	624	
9/5/2012	11/13/2012	Vacant		71
11/14/2012	7/1/2013	5050	229	
7/2/2013	12/25/2013	Vacant		178
12/26/2013	12/20/2014	5280	359	
12/21/2014	6/30/2015	Vacant		193
7/1/2015	9/14/2015	5611	65	

The Clerk III position is essential to the daily operational demands of the Kona Fiscal Unit. Converting the Clerk III to permanent status would cost the State nothing, and would help ensure incumbent retention and the continuation of timely fiscal service and thereby lead to a more efficient Fiscal Unit.

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JUDICIARY
STATE OF HAWAII

PROGRAM TITLE:
FIFTH CIRCUIT

PROGRAM STRUCTURE LEVEL NO.III

PROGRAM STRUCTURE NO. 01 01 05

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	05	Fifth Circuit

PROGRAM EXPENDITURES (In dollars)	FISCAL YEAR 2016-18			FISCAL YEAR 2018-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	99.00	0.00	99.00	99.00	4.00	103.00	99.00	103.00
Personal Services	5,474,570	0	5,474,570	5,608,202	307,206	5,915,408	11,082,772	11,389,978
Other Current Expenses	1,904,949	0	1,904,949	1,904,949	0	1,904,949	3,809,898	3,809,898
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	0	0	0	0	10,700	10,700	0	10,700
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	7,379,519	0	7,379,519	7,513,151	317,906	7,831,057	14,892,670	15,210,576
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	7,379,519	0	7,379,519	7,513,151	317,906	7,831,057	14,892,670	15,210,576

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
General Fund	7,379,519	0	7,379,519	7,513,151	317,906	7,831,057	14,892,670	15,210,576
Special Funds	0	0	0	0	0	0	0	0
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Fund	0	0	0	0	0	0	0	0
Total Financing	7,379,519	0	7,379,519	7,513,151	317,906	7,831,057	14,892,670	15,210,576

JUD350 FIFTH CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

Additional Judgeship and support staff: This FY 2017 request for \$317,906 is for an additional Family Court Judge and staff. Workload issues have prompted a need for an additional judgeship in the Fifth Circuit.

B. REASON FOR BUDGET REQUESTS

Additional Judgeship and support staff: The Fifth Circuit is requesting \$317,906 for an additional Family Court Judge and staff. The additional judgeship is needed to address the continuing increase in complexity of cases and the time required to schedule and hear cases on the court calendars, and to improve public service and safety.

Presently, the Fifth Circuit has only one Family Court Judge to handle its entire caseload of Family Court proceedings. The nature of Family Court civil proceedings, often involving complicated disputes regarding the best interests of the child or children, is such that it is difficult to push such cases or place arbitrary limits on time allotments for hearings and trials. For example, there has been a recent increase in the number of temporary restraining order (TRO) filings. Currently, only one afternoon each week is used to schedule a return on a petition for protective order (respondent appears in court and is given the opportunity to agree to the protective order or contest the allegations). The return on petition is usually set within 15 days of the granting of the TRO. If the matter is contested, the hearing could last from 45 minutes to two hours depending on the number of witnesses who are called to testify. Sometimes a hearing cannot be completed in the time allotted so it has to be continued to another day. Because of Family Court's trial schedule, hearings often cannot be continued the same week and must be scheduled a number of weeks away. Such delays are not in the best interests of the child, especially considering issues that may arise regarding temporary child custody, visitation, and more importantly the safety of all individuals involved.

The Family Court implemented a revised weekly schedule in December 2014 to help address their overcrowded court calendar. The Family Court schedule dedicates most of one calendar day to address approximately 5 to 10 Department of Human Services (DHS) Child Protective Service (CPS) cases. Contested hearings are held in the afternoon and can last two to four hours depending on the amount of evidence being presented. Often, there are recorded interviews from the Children's Justice Center, as well as testimony from experts, social workers, and the parents. There are time constraints for these hearings so sometimes hearings have to be continued at a later date. Because the calendar is only one day a week, it is very difficult to reschedule hearings or find continued dates for hearings. Many of the attorneys involved in these cases also specialize in other areas of the law which requires them to be in other courtrooms at the same time. This makes scheduling even more difficult. In a recent review of Family Court dependency cases, one of the areas of concern was the ability to schedule hearings in a timely manner. Return hearings have to be scheduled within 15 days from when a child is placed into temporary foster custody. That has been a challenge due to the limited days available to do these

hearings. Achieving permanency (termination of parental rights) is supposed to be reached within a reasonable period of time. Like TRO hearings, it is not in the best interests of all the involved parties to have such hearings postponed for any lengthy period.

Due to the number of domestic cases, proceedings are spread over two calendar days. On one of the days, usually two trials are scheduled. In addition to the trials scheduled, the morning calendar usually consists of about 10 new actions and about five status hearing cases. Because so many cases are already scheduled, a party generally has to wait about a month to have a matter placed on the domestic calendar. If a party is requesting a trial, the trial dates are being scheduled approximately four to six months from the date of the parties' first appearance depending on the amount of time expected to complete the trial. But sometimes it takes even longer due to continuances, rescheduling(s) due to conflicts, and the overloaded court calendar. Providing more timely court dates would have a positive effect on reducing tension and conflict for the children who are caught in the middle of the adult disputes between parents. To alleviate the court calendar, the parties are often required to participate in an alternative dispute resolution program before the matter is set for trial. On the second calendar day used for domestic cases, proceedings are held in the morning for two hours. There are approximately 5 to 10 cases heard during this time.

One day of the Family Court calendar is dedicated to juvenile delinquency type cases. These include law violations, status offenses, Department of Education truancy petitions, and the Juvenile Drug Court. The normal caseload is between 30 and 50 cases per day. The large number of cases each day does not allow much court time for each case to be heard.

Finally, one calendar day is used to schedule civil trials for cases from any of the calendars. Often, the whole day is consumed by one trial due to the large number of witnesses called.

Note that on any given day, that calendar could be delayed due to special hearings scheduled at 1:00 p.m. each day (block of court time set aside as needed). The special hearings include special criminal arraignments or preliminary hearings, juvenile detention hearings, and involuntary commitment hearings.

While the Fifth Circuit has operated with only one dedicated Family Court Judge since 1999, the Second and Third Circuits have three and four Family Court Judges, respectively. In comparison to the Second and Third Circuit's Family Courts, the Family Court Judge for the Fifth Circuit has a much greater caseload (pending cases at the beginning of the year plus new filings) on a per judge basis. For example, in FY 2015, the Fifth Circuit's Family Court Judge had a total caseload of 6,748 cases in comparison to the Second and Third Circuits whose Family Court Judges' caseload averaged 2,391 and 2,799 cases, respectively. FY's 2014 and 2013 were similar as Fifth Circuit's Family Court Judge's caseload was more than 7,600 cases each year, as compared to Second and Third Circuit's Family Court Judge caseload of more than 2,500 and 2,600 cases, respectively, each year.

A comparison of Fifth Circuit Family Court with the First Circuit Family Court revealed results similar to the disparity noted with neighbor island caseloads. The First Circuit's Family Court's Juvenile Division hears CPS cases that include, but are not limited to, issues involving child abuse and neglect, domestic violence, safety, substance abuse, mental health, and termination of parental rights. Four judges are assigned to the Juvenile Division. In FY 2015, the average

caseload per Juvenile Division Judge was 1,793 juvenile and 825 children on status cases (these include probation, protective supervision, family supervision, foster custody, and permanent custody cases). In comparison, the Fifth Circuit Family Court Judge's caseload was 3,300 juvenile and 638 children on status cases. In FY 2014, the average caseload per Juvenile Division Judge was 1,967 juvenile and 835 children on status cases as compared to Fifth Circuit Family Court Judge's caseload of 3,581 juvenile and 617 children on status cases. FY 2013 results were similar to those for FY 2014.

It should also be noted that due to its large population base on O'ahu, the First Circuit has three more Family Court divisions, which are the Domestic, Special, and Adult Criminal Divisions. Each division has its own set of judges. The Domestic Division handles cases involving, but not limited to, divorces and civil union divorces. The Special Division deals with cases such as paternity, TROs and orders for protection, guardianship, and involuntary mental health commitments. The Adult Criminal Division handles cases involving abuse of family household members, and violations of TROs and orders for protection. The Fifth Circuit's lone Family Court Judge handles all matters dealing with the Family Court, not just a specific type of Family Court cases.

Due to the limitations and delays in obtaining court time for contested hearings, the Family Court has noticed that attorneys are increasingly applying for Ex Parte orders. Ex Parte orders are orders issued without the benefit of a contested or evidentiary hearing and can deprive opposing litigants of the opportunity to present their positions or evidence prior to an order from the Court. Consequently, the Court is placed in the difficult position of having to rule on matters with only one side being presented to the Court. Preferably, opposing parties should be able to fully litigate contested issues prior to an order being issued. However, given the delay between the filing of the motion and obtaining an available hearing date, attorneys have no option but to seek Ex Parte orders to address issues that need to be quickly resolved. For every week that passes where a child is denied the right to see one of their parents based on nothing more than allegations raised in a court filing, that child (and that parent) suffers irreversible harm and the loss of time that cannot be recovered.

The Fifth Circuit's Judges have met with Kaua'i attorneys to discuss issues or concerns that they believed were important to their practice of law on Kaua'i. Many of the responses revolved around the need of an additional judge position to address Family Court matters. While the Fifth Circuit does utilize per diem judges to keep the court operating when the Family Court Judge has conflicts with the case or times or otherwise is unable to be in court, they serve only part-time and their availability is sometimes limited since many are attorneys with their own practices.

The Family Court Judge is in court every day for most of the day. Additionally, the Judge is involved with several judicial committees and represents the Judiciary in some local organizations, convenes stakeholder meetings, prepares court orders when both parties are self-represented, does his own legal research, holds pre-trial conferences, reviews TRO orders, and reviews uncontested divorce actions. He also reviews Judicial Determination of Probable Cause and requests for arrest warrant packets submitted by the Kaua'i Police Department, and is on call 24 hours a day/7 days a week in the event there is a request for involuntary commitment of an individual due to mental illness. The Family Court Judge's out-of-court responsibilities have to fit in between court hearings. However, if the need arises due to time constraints, the Family Court tries its best to accommodate the parties by deviating from the court schedule.

The Judiciary's mission is to dispense justice. Unreasonable delay due to court congestion and the unavailability of courtroom time does a great disservice to our clients, the users of the court. It cannot be stressed enough that the civil litigants in contested Family Court matters include those who most need our assistance such as victims of domestic violence, children dealing with the breakdown of a family unit or who are without adequate child support, and abused or neglected children. It is strongly believed that more must be done for these individuals and an additional Family Court Judge and support staff would permit the Fifth Circuit to be more effective in this regard. The requested court staff would be able to provide the administrative support to handle the resulting workload generated by the additional judge.

More courtroom time is needed to accommodate the current Family Court civil caseload. An additional judge and support staff would permit the Family Court to handle expedited hearings, evidential hearings could be scheduled sooner, and more actual court time could be provided for contested matters including TRO and DHS/CPS hearings. Additionally, it would be possible to require and hold settlement conferences in all contested cases if another judge, other than the trial judge, was available.

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**JUDICIARY
STATE OF HAWAII**

**PROGRAM TITLE:
JUDICIAL SELECTION COMMISSION**

PROGRAM STRUCTURE LEVEL NO.III

PROGRAM STRUCTURE NO. 01 02 01

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	02	Support Services
Level III	01	Judicial Selection Commission

PROGRAM EXPENDITURES (In dollars)	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs								
	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00
Personal Services	73,076	0	73,076	73,076	0	73,076	146,152	146,152
Other Current Expenses	20,342	0	20,342	20,342	0	20,342	40,684	40,684
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	0	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00
Total Operation Costs	93,418	0	93,418	93,418	0	93,418	186,836	186,836
Capital & Investment Costs	0	0	0	0	0	0	0	0
	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00
Total Program Expenditures	93,418	0	93,418	93,418	0	93,418	186,836	186,836

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00
General Fund	93,418	0	93,418	93,418	0	93,418	186,836	186,836
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Special Funds	0	0	0	0	0	0	0	0
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Fund	0	0	0	0	0	0	0	0
	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00
Total Financing	93,418	0	93,418	93,418	0	93,418	186,836	186,836

JUD 501 JUDICIAL SELECTION COMMISSION PROGRAM INFORMATION

A. PROGRAM OBJECTIVES

- To screen and submit nominees for judicial vacancies, and to conduct hearings for retention of justices or judges.

B. DESCRIPTION OF BUDGET REQUESTS

None.

C. REASON FOR BUDGET REQUESTS

N/A

JUDICIARY
STATE OF HAWAII

PROGRAM TITLE:
ADMINISTRATION

PROGRAM STRUCTURE LEVEL NO.III

PROGRAM STRUCTURE NO. 01 02 02

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	02	Support Services
Level III	02	Administration

PROGRAM EXPENDITURES (In dollars)	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	228.00	0.00	228.00	228.00	3.00	231.00	228.00	231.00
Personal Services	15,887,753	0	15,887,753	16,405,161	156,030	16,561,191	32,292,914	32,448,944
Other Current Expenses	17,479,834	0	17,479,834	16,789,834	80,213	16,870,047	34,269,668	34,349,881
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	979,885	0	979,885	979,885	0	979,885	1,959,770	1,959,770
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	34,347,472	0	34,347,472	34,174,880	236,243	34,411,123	68,522,352	68,758,595
Capital & Investment Costs	55,000,000	0	55,000,000	0	13,684,000	13,684,000	55,000,000	68,684,000
Total Program Expenditures	89,347,472	0	89,347,472	34,174,880	13,920,243	48,095,123	123,522,352	137,442,595

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2015-16			FISCAL YEAR 2016-17			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
General Fund	227.00 26,028,018	0.00 0	227.00 26,028,018	227.00 25,841,778	3.00 236,243	230.00 26,078,021	227.00 51,869,796	230.00 52,106,039
Special Funds	1.00 7,976,193	0.00 0	1.00 7,976,193	1.00 7,989,841	0.00 0	1.00 7,989,841	1.00 15,966,034	1.00 15,966,034
Revolving Funds	0.00 343,261	0.00 0	0.00 343,261	0.00 343,261	0.00 0	0.00 343,261	0.00 686,522	0.00 686,522
G.O. Bond Fund	55,000,000	0	55,000,000	0	13,684,000	13,684,000	55,000,000	68,684,000
Total Financing	228.00 89,347,472	0.00 0	228.00 89,347,472	228.00 34,174,880	3.00 13,920,243	231.00 48,095,123	228.00 123,522,352	231.00 137,442,595

JUD 601 ADMINISTRATION

PROGRAM INFORMATION AND BUDGET REQUESTS

The Office of the Administrative Director is responsible for the provision of efficient and effective administrative support to the Chief Justice, the courts, and Judiciary programs, and to promote, facilitate, and enhance the mission of the Judiciary.

A. PROGRAM OBJECTIVES

Overall Program Objective

- To enhance the effectiveness and efficiency of judicial programs by providing executive direction, program coordination, policy development, resource allocation and fiscal control, and administrative services.

Policy and Planning

- To develop and maintain an effective and comprehensive planning capability within the Judiciary to provide the statewide organization with overall guidance and long-range direction in meeting the community's demands for judicial service.
- To establish and maintain a budgeting system that will serve as the mechanism by which the required resources to achieve the objectives of the Judiciary will be identified and articulated to top-level management.
- To develop and maintain a uniform statistical information system for the statewide Judiciary which identifies what data is needed as well as how the data will be collected, tabulated, analyzed, and interpreted so as to permit the periodic reporting of statistics of court cases to the principal decision-makers of the Judiciary and thereby facilitate evaluation of influential factors or variables affecting court workload and efficiency.
- To administer a judiciary-wide audit program to ensure compliance with laws, rules and regulations, and policies of the Judiciary, the State and, where applicable, the federal government.
- To conduct investigations and audits of accounting, reporting, and internal control systems established and maintained in the Judiciary, and to suggest and recommend improvements to accounting methods and procedures.
- To maintain oversight and coordination of the Judiciary's capital improvement projects to ensure compliance with the Judiciary's policies and applicable State and Federal rules and regulations.
- To coordinate the Judiciary's legislative activities and special project.

- To provide advice and technical assistance to the Judiciary to ensure compliance with equal employment opportunity laws, legislation, and policies.
- To provide training to judges, administrators, and staff on current Equal Employment Opportunities (EEO) issues; to develop and review EEO policies and procedures; and to investigate complaints of discrimination.

Financial Services

- To provide current, accurate, and complete financial and accounting data in a form useful to decision-makers.
- To ensure adequate and reasonable accounting control over assets, liabilities, revenues, and expenditures in accordance with generally accepted accounting principles, laws, policies, rules, and regulations of the State and the Judiciary.
- To provide a fair and expeditious administrative process for revoking the driver licenses and motor vehicle registrations of alcohol or drug impaired offenders who have shown themselves to be safety hazards by driving or boating under the influence of intoxicants or who refused chemical testing.

Information Technology and Systems

- To plan, organize, direct, and coordinate the Judiciary's statewide telecommunications and information processing program, resources, and services by providing advice, guidance, and assistance to all Judiciary courts and administrative units relating to the concepts, methods, and use of telecommunication and information processing technologies and equipment.
- To plan, direct, and manage a centralized court records management system which includes reproduction, retention, control, storage, and destruction.
- To maintain accurate and complete court records, render technical assistance, and provide information and reference services from court records to court personnel, attorneys, and the general public.
- To provide cost effective printing, form development, and related services, statewide.

Intergovernmental and Community Relations

- To promote public awareness and understanding of the Judiciary by disseminating information through various print, broadcast, and electronic means; the news media; and direct dealings with the general public and other audiences concerning the role of the Judiciary and the services that it provides.

- To acquaint the Legislature with the program and policies of the Judiciary in order to convey the ongoing needs and importance of its role as an independent branch of government.
- To advise Judiciary officials on public perception of particular issues relating to the Judiciary.
- To design and implement projects that promotes access to the courts for all persons, including those with special needs.
- To promote, through research and educational programs, fair treatment in adjudication of cases and provision of services to the public.
- To inform and provide learning opportunities to the public about the judicial process and Hawaii's legal history from precontact to present. The Judiciary History Center generates knowledge by conducting and encouraging research, disseminating information, and collecting, preserving, and displaying materials.
- To provide an impartial professional process for addressing reports of felony child abuse that will facilitate access to the justice system for child victims and witnesses.
- To maintain a continuing liaison with agencies and departments dealing with child abuse to foster cooperation within the legal system to improve and coordinate activities for the effective overall administration of justice.
- To investigate, design, and implement alternative dispute resolution processes for the judicial, legislative, and executive branches of government that will assist these three branches of government in resolving their disputes. Emphasis is on developing systems for use by the Judiciary in the various courts, mediating/facilitating public policy issues, and building skills capacity within all branches of government.
- To provide and coordinate the Judiciary's statewide guardianship services for mentally incapacitated adults.
- To provide information, referral, and technical assistance to guardians and to the courts on the roles and responsibilities of a guardian.
- To effectively utilize volunteer citizen participants from a cross-section of the community in formalized volunteer positions based on the needs of the Judiciary and the skills, talents, and interests of the volunteers.
- To collect, organize, and disseminate information and materials relating to legal research and judicial administration in order to enhance the effectiveness of the judicial process.

Human Resources

- To manage a central recruitment and examination system that will attract the most capable persons and provide a selection system that will ensure the highest caliber employee, without regard to race, color, religion, sex, sexual orientation, national origin, ancestry, age, physical disability, marital status, or political affiliation.
- To develop, enhance, and manage a Judiciary compensation program consistent with merit principles, recognized job evaluation principles and methodologies, and labor market trends, and to attract and retain a competent and skilled workforce.
- To develop and implement an ongoing comprehensive continuing legal education program for judges to support them in their judicial roles and in the performance of their duties and responsibilities and programs of continuing education and development for staff in support of the judges and the mission of the Judiciary.
- To administer a Judiciary-wide workers' compensation program designed to provide claims management, cost containment, and vocational rehabilitation services to all echelons of the Judiciary.

Commission on Judicial Conduct

- To investigate and conduct hearings concerning allegations of misconduct or disability of justices or judges.
- To make recommendations to the Supreme Court concerning the reprimand, discipline, suspension, retirement, or removal of any justice or judge.
- To provide advisory opinions concerning proper interpretations of the Revised Code of Judicial Conduct.

B. DESCRIPTION OF BUDGET REQUESTS

Social Worker Positions for the Office of the Public Guardian: Funding of \$174,131 is being requested to improve the client servicing initiatives of the State's public guardians.

Judicial Training: This FY 2017 request is for \$62,112 to conduct judicial training for judges.

C. REASON FOR BUDGET REQUESTS

Social Worker Positions for the Office of the Public Guardian (OPG): OPG serves as court-appointed guardians for 715 (as of December 31, 2014) statewide incapacitated clients and also manages the personal finances for 263 of these clients. The overwhelming majority of guardianship cases are ordered as full, unlimited guardianship due to the nature and extent of

the incapacity. More than half of all clients are developmentally disabled; 20% are elderly over the age of 65 with dementia or medical conditions; 11% are diagnosed with severe mental illness; and a small percentage are incapacitated due to brain injury, substance abuse, or non-elderly dementia.

The need for a quality public guardianship program in the State of Hawai'i persists. There are multi-faceted factors contributing to the growing complexity of guardianship cases being referred, challenging the high caseloads of guardian to client ratio. In the 2014 calendar year, 91 new petitions were filed for OPG guardianship, a 21% increase over the previous year. Of these, 65 were granted.¹

New referrals are brought to court by Adult Protective Services, Department of Human Services, and involve cases of self-neglect, abuse, or financial exploitation of the elderly. Unlike the intellectually disabled population with case management services from the Developmental Disabilities Division, Department of Health, there are no case managers for isolated elderly clients including married couples who reside independently but cope poorly in the community in their own homes unless they have their own resources to purchase services to support their well-being and safety.

According to a Department of Health Case Management Branch brochure, case management services at the Developmental Disabilities Division include assisting individuals in obtaining services funded by the State or Federal government, such as:

- Personal assistance and habilitation;
- Respite care;
- Employment services;
- Specialized medical equipment and supplies;
- Environmental accessibility adaptations;
- Adult day health;
- Skilled nursing;
- Emergency outreach, emergency respite, emergency shelter, training and consultation,
- Vehicular modification;
- Assistive technology;
- Personal emergency response system; and
- Non-medical transportation.

At the other extreme of aging clients is the young coming of age clients that are being referred for public guardianship from the Child Welfare Division, Department of Human Services. These young adults, four of which are still in their teens, are growing up with older counterparts under public guardianship. For these very young clients with extreme behavioral issues, OPG currently has three of the four placed in therapeutic homes.

OPG also receives petitions from acute care facilities for incapacitated patients with no family or friends willing and able to serve in matters of health care decisions, finances, or discharge planning. In addition, OPG has become involved in reviewing an increased number of cases

¹ Breakdown of petitions not granted: 8 were closed due to death of referral; 14 were assigned to family member; 1 required OPG to provide assessment report only; 3 were pending court hearings.

with other societal indicators such as mentally ill individuals and clients with brain injuries or substance abuse/non-elderly dementia who are in and out of hospitals with histories of homelessness. Many of these volatile cases present an added layer of complexity to the already high client to guardian ratio.

Petitions for homeless individuals have also been granted. Over the past 10 years, OPG has been appointed guardian for approximately 40 incapacitated individuals with a history of homelessness. Many homeless clients lack identification documents, and guardians are challenged in trying to obtain needed documents without which client resources or entitlements may not be accessible. OPG was eventually able to successfully place many of these clients into appropriate homes by making major efforts to procure a source of funding for appropriate placement, and with the cooperation of the client. At present, OPG serves as guardian for six clients with histories of homelessness for whom their whereabouts are unknown. Most of these homeless clients, which have been growing in numbers and referrals, are incapacitated due to mental illness and have a long-standing history of homelessness for various reasons including polysubstance usage, history of precarious lifestyles, Post-traumatic Stress Disorder, etc. Some of these homeless clients only sporadically contact their guardians who try to help and oversee their needs as much as possible.

Currently, there are nine full-time and two part-time OPG guardian social workers state-wide; an OPG Director; and support staff consisting of an accountant, an account clerk, a clerk, and a social service assistant.

O'ahu has eight guardians. One guardian serves as a supervisor with assigned client cases, one guardian functions as an intake worker, and the six other guardians have assigned cases. Hawai'i County maintains a full-time guardian, while Maui County² and Kaua'i County are staffed with part-time guardians. The OPG Director serves as the supervisor for all neighbor island staff and manages all personnel matters, office operations, and oversight for the care of all clients. The chart below shows the caseload by island/county as of September 30, 2015:

	Social Workers	Caseload	Average
Oahu - Intake	1.00	21	21
Oahu - Permanent	7.00	593	85
Maui County	0.50	23	
Kauai County	0.50	17	
Hawaii County	1.00	58	58

Although there is no designated standard for an ideal caseload, the National Guardianship Association Standard 23 purports that a caseload should allow a minimum of one visit per month for each client and regular contacts with all service providers.

As noted above, O'ahu guardians average 85 permanent clients each; this makes monthly visits impossible. With such high caseloads and the complex nature of new referrals, guardians require more direct support for consultation, fact gathering, and direction before decisions can be made.

² Maui County includes the islands of Maui, Lāna'i and Moloka'i.

This request for one Social Worker V and two Social Worker IV full-time permanent positions will enable OPG to more effectively service the existing clients and to establish an intake unit for new clients. The proposed structure would allow the O'ahu guardians to better meet the demands of their existing clients by not only reducing their current caseloads to more manageable numbers but by also assigning their current intake responsibilities to the newly established intake unit. And although the neighbor island guardians would continue to perform intake responsibilities in addition to serving their existing clients, they would also have the assistance of an intake supervisor in processing new clients and providing standby support to the neighbor islands.

Judicial Training: The community expects judges to quickly absorb and analyze information, impartially apply the law, and efficiently administer justice. Judicial training furthers the Judiciary's mission to "administer justice in an impartial, efficient, and accessible manner in accordance with the Law." In administering justice, it is imperative that judges receive ongoing and up-to-date training on changes in laws; federal and state court decisions that may impact the Hawai'i State Judiciary; court rule amendments; courtroom practices; and trends in criminal, civil, and family law.

Additionally, the need for a support system is critical as judges are in a unique position because of their profession. The potential for professional and social isolation is real, and judges often receive needed support from colleagues. Statewide judicial conferences provide opportunities for judges to speak candidly about situations fully understood by other judges

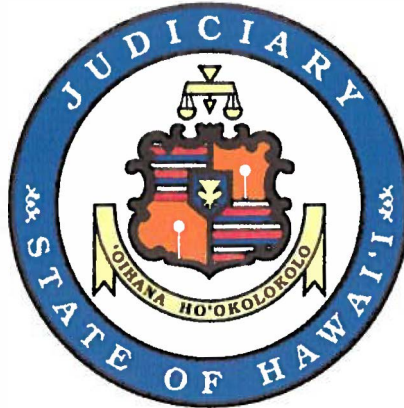
Prior to 2009, Judicial Education Office (JEO) staff coordinated semi-annual judicial education for the judges. Budget restrictions necessitated the cancellation of these judicial education conferences in 2009 and JEO initiated ongoing training sessions in lieu of the conferences. Judges from the neighbor islands and O'ahu Family Court currently attend these sessions via video conferencing, which is not ideal for active learning and participation. JEO conducted 14 sessions in 2013, 4 sessions in 2014, and 14 sessions in 2015.

During the past three years, six full-day judicial conferences have been held. Some of these conferences were grant-funded and others were funded by the judges' respective Circuits.

This request will provide for a two-day judicial conference each year, beginning in FY 2017. A judicial conference will bring together all judges for a two-day forum on important subject matters such as bias, cultural awareness, barriers to access to justice, and other current issues unique to the judicial system. Through this venue, judges will be kept abreast of new and revised laws, amended court rules, sentencing/treatment options, and innovative courtroom practices that may reduce recidivism and better serve the public than traditional case management and adjudication methods.

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PART IV



Capital Improvements Appropriations And Details

JUDICIARY
STATE OF HAWAII

**REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS
BY CAPITAL PROJECT
IN THOUSANDS OF DOLLARS**

PROGRAM PLAN TITLE: Judiciary
PROGRAM STRUCTURE NO: 01

DESCRIPTION	Cost Element	Project Total	Prior Years Total	Fiscal Year 2018-17				2017-18	2018-19	2019-20	2020-21
				FY 2015-16	Current Appropriation	Adjustment	Recommended Appropriation				
JUDICIARY TOTAL	Plans	1,130	880	0	0	50	50	200	0	0	0
	Land	4,550	4,550	0	0	0	0	0	0	0	0
	Design	10,292	9,506	0	0	619	619	167	0	0	0
	Constr	118,932	39,367	55,000	0	12,990	12,990	5,000	6,575	0	0
	Equip	8,976	1	0	0	25	25	8,950	0	0	0
	Total	143,880	54,304	55,000	0	13,684	13,684	14,317	6,575	0	0
	G.O. Bonds	143,880	54,304	55,000	0	13,684	13,684	14,317	6,575	0	0

JUDICIARY
STATE OF HAWAII

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS
BY CAPITAL PROJECT
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	Fiscal Year 2016-17		FY2015-18	2017-18	2018-19	2019-20	2020-21
				Current	Recommended					
				FY2015-18	Appropriation	Adjustment	Appropriation			
Kona Judiciary Complex, Hawai'i	Plans	800	800				0			
	Land	4,550	4,550				0			
	Design	8,500	8,500				0			
	Constr	89,000	34,000	55,000			0			
	Equip	8,950					0	8,950		
	Total	111,600	47,650	55,000	0	0	0	8,950	0	0
	G.O. Bonds	111,600	47,650	55,000	0	0	0	8,950	0	0
Ka'ahumanu Hale Fire Alarm and Elevator Systems Upgrade and Modernization, O'ahu	Plans	29	29				0			
	Land	0					0			
	Design	410	410				0			
	Constr	15,905			0	5,905	5,905	5,000	5,000	
	Equip	0					0			
	Total	16,344	439	0	0	5,905	5,905	5,000	5,000	0
	G.O. Bonds	16,344	439	0	0	5,905	5,905	5,000	5,000	0
Lump Sum CIP for Judiciary Facilities, Statewide (for FY 2013-2015 and FY 2015-2017 only)	Plans	51	1			50	50			
	Land	0					0			
	Design	301	1			300	300			
	Constr	5,812	3,187			2,625	2,625			
	Equip	26	1			25	25			
	Total	6,190	3,190	0	0	3,000	3,000	0	0	0
	G.O. Bonds	6,190	3,190	0	0	3,000	3,000	0	0	0
Ka'ahumanu Hale Basement Water Infiltration Remedial Improvements, O'ahu	Plans	0					0			
	Land	0					0			
	Design	319				319	319			
	Constr	3,100				3,100	3,100			
	Equip	0					0			
	Total	3,419	0	0	0	3,419	3,419	0	0	0
	G.O. Bonds	3,419	0	0	0	3,419	3,419	0	0	0
Kauikaeouli Hale Main Data Center Fire Suppression System Replacement, O'ahu	Plans	0					0			
	Land	0					0			
	Design	0					0			
	Constr	560				560	560			
	Equip	0					0			
	Total	560	0	0	0	560	560	0	0	0
	G.O. Bonds	560	0	0	0	560	560	0	0	0
Kaua'i Judiciary Complex Building Exterior Remedial Improvements, Kaua'i	Plans	0					0			
	Land	0					0			
	Design	0					0			
	Constr	600				600	600			
	Equip	0					0			
	Total	600	0	0	0	600	600	0	0	0
	G.O. Bonds	600	0	0	0	600	600	0	0	0

JUDICIARY
STATE OF HAWAII

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS
BY CAPITAL PROJECT
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	Fiscal Year 2016-17							
				Current		Recommended					
				FY2015-16	Appropriation	Adjustment	Appropriation	2017-18	2018-19	2019-20	2020-21
Ka'ahumanu Hale Sheriff Security Station Upgrade and Improvemanta, O'ahu	Plans	0					0				
	Land	0					0				
	Design	0					0				
	Constr	200				200	200				
	Equip	0					0				
	Total	200	0	0	0	200	200	0	0	0	0
	G.O. Bonds	200	0	0	0	200	200	0	0	0	0
Statue Offender Shelter end Juvenile Services Center, O'ahu	Plans	250	250				0				
	Land	0					0				
	Design	0					0				
	Constr	0					0				
	Equip	0					0				
	Total	250	250	0	0	0	0	0	0	0	0
	G.O. Bonds	250	250	0	0	0	0	0	0	0	0
Hoapili Hale Building Exterior Remedial Improvements, Maui	Plans	0					0				
	Land	0					0				
	Design	470	470				0				
	Constr	1,630	1,630				0				
	Equip	0					0				
	Total	2,100	2,100	0	0	0	0	0	0	0	0
	G.O. Bonds	2,100	2,100	0	0	0	0	0	0	0	0
Hoapili Hale Exhaust Monitoring and Ventilation Systems Upgrade, Maui	Plans	0					0				
	Land	0					0				
	Design	125	125				0				
	Constr	550	550				0				
	Equip	0					0				
	Total	675	675	0	0	0	0	0	0	0	0
	G.O. Bonds	675	675	0	0	0	0	0	0	0	0
Ka'ahumanu Hale Cellblock Upgrade and Improvements, O'ahu	Plans	200					0	200			
	Land	0					0				
	Design	0					0				
	Constr	0					0				
	Equip	0					0				
	Total	200	0	0	0	0	0	200	0	0	0
	G.O. Bonds	200	0	0	0	0	0	200	0	0	0
Kāne'ohe Court Facility Emergency Generator Back-up System, O'ahu	Plans	0					0				
	Land	0					0				
	Design	167					0	167			
	Constr	1,575					0		1,575		
	Equip	0					0				
	Total	1,742	0	0	0	0	0	167	1,575	0	0
	G.O. Bonds	1,742	0	0	0	0	0	167	1,575	0	0

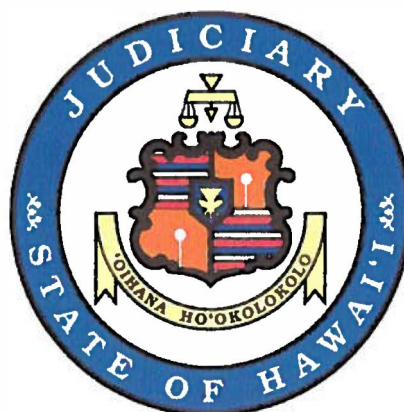
JUDICIARY
STATE OF HAWAII

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS
BY CAPITAL PROJECT
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	Fiscal Year 2016-17				2017-18	2018-19	2019-20	2020-21
				FY2015-16	Current Appropriation	Adjustment	Recommended Appropriation				
Judiciary	Plans	1,130	880	0	0	50	50	200	0	0	0
Total	Land	4,550	4,550	0	0	0	0	0	0	0	0
(Active Appropriations /	Design	10,292	9,506	0	0	819	619	167	0	0	0
Projects within	Constr	118,932	39,367	55,000	0	12,990	12,990	5,000	6,575	0	0
FB 2015-2017)	Equip	8,976	1	0	0	25	25	8,950	0	0	0
	Total	143,880	54,304	55,000	0	13,664	13,664	14,317	6,575	0	0
	G.O. Bonds	143,880	54,304	55,000	0	13,664	13,664	14,317	6,575	0	0

PART V



Variance Report

VARIANCE REPORT

INTRODUCTION

The Variance Report presents for each program the absolute and percentage differences in expenditures, positions, measures of effectiveness, and program size indicators. Significant differences between the planned and the actual levels for the last completed fiscal year and the current fiscal year are explained in narrative form.

In general, the reasons for the variance tend to fall into one or more of the following four categories:

A. FORECASTING AND DATA COLLECTION METHODS

At present, the forecasting techniques used are largely bivariate regression. This methodology is then further refined by smoothing and by normative trend/event analysis. In order to obtain more accurate projections, sophisticated and expensive modeling techniques would have to be employed to fully take into account the numerous factors that affect the courts.

As to the variances reported, the initial estimate may have been inaccurate due to difficulties in forecasting. These situations have occurred most notably where data was limited or unavailable. On a more specific empirical level, a change in data collection methods may have caused further difficulties in forecasting estimated levels. However, these are temporary conditions which can be overcome as a larger database develops and as clear statistical patterns emerge over time.

B. EXTERNAL TRENDS AND EVENTS

There are cases where the forecasts, given historical trends, would have been accurate but for unforeseen trends or events, external to the Judiciary, which might have caused the actual magnitude to change. These events or trends include, among others: (1) new laws enacted by the Legislature; (2) social, economic, and technological change on global, national, state, and local levels; (3) fluctuations in public and institutional attitudes toward litigation and crime; and (4) reductions in resources available to the court programs as a result of the current economic conditions of the State.

C. OTHER FACTORS

In a few cases, it is difficult to ascertain, with any degree of exactitude, the precise cause of the variance. This ambiguity in causality happens as a result of a multitude of contributing factors that may come into play. Such factors as staff shortages, a redirection of court resources, policy changes on the part of other criminal justice agencies, or other factors that are as yet undefined all contribute in differing degrees to a variation between the actual and planned levels.

By comparing the actual and the planned, the analyst, the manager, and the decision-maker are forced to constantly reevaluate the system and thereby gain valuable information as to the activities of the system under study.

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JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Courts of Appeal

Program Plan ID: JUD 101

VARIANCE DETAILS

Program Structure No. 01 01 01

PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

COST (Expenditures in \$1,000's)		Fiscal Year 2016				
		A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%
Research and Development	Positions					
	Expenditures					
Operating	Positions	71.0	71.0	0.0	+	0
	Expenditures	6,199	6,382	183	+	3
Totals	Positions	71.0	71.0	0.0	+	0
	Expenditures	8,199	6,382	183	+	3

COST (Expenditures in \$1,000's)		Three Months Ended 9-30-15					Nine Months Ended 6-30-16				
		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%	Budgeted	Estimated	Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	71.0	71.0	0.0	+	0	71.0	71.0	0.0	+	0
	Expenditures	1,641	1,505	136	-	8	4,923	5,121	198	+	4
Totals	Positions	71.0	71.0	0.0	+	0	71.0	71.0	0.0	+	0
	Expenditures	1,641	1,505	138	-	8	4,923	5,121	198	+	4

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2015					Fiscal Year 2016				
		A		B		Change From A TO B					
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	Median Time to Decision, Criminal Appeal (Mo)*	18	16	0	+	0	16	16	0	+	0
2.	Median Time to Decision, Civil Appeal (Mo)*	12	12	0	+	0	12	12	0	+	0
3.	Median Time to Decision, Original Proc. (Mo)	1	1	0	+	0	1	1	0	+	0

*Counted from docket date.

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2015					Fiscal Year 2016				
		A		B		Change From A TO B					
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	A01 Criminal Appeals Filed	223	208	17	-	8	222	220	2	-	1
2.	A02 Civil Appeals Filed	410	382	28	-	7	411	405	6	-	1
3.	A03 Original Proceedings Filed	110	87	23	-	21	115	105	10	-	9
4.	A04 Appeals Disposed	655	588	67	-	10	660	650	10	-	2
5.	A05 Motions Filed	3,030	2,671	359	-	12	3,035	3,025	10	-	0
6.	A06 Motions Terminated	3,035	2,673	362	-	12	3,040	3,030	10	-	0

JUD 101 COURTS OF APPEAL

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2015, the variance in expenditures was the result of collective bargaining augmentation.

For FY 2016, the expenditure variance was due to normal procurement and operational practices. For the remainder of the fiscal year, estimated expenditures are expected to continue to reflect normal procurement and operational practices and collective bargaining augmentation.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

None.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 3, Original Proceedings Filed, was 21% under the estimated level because the estimate was based on actual filings that were higher in prior years – 98 in FY 2010, 136 in FY 2011, 133 in FY 2012, 166 in FY 2013, and 103 in FY 2014.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: First Circuit

Program Plan ID: JUD 310

VARIANCE DETAILS

Program Structure No. 01 01 02

PART I – VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2015											
COST (Expenditures in \$1,000's)		A		B		Change From A TO B		A		B		Change From A TO B	
		Budgeted		Actual		Amount	+/- %	Budgeted		Estimated		Amount	+/- %
Research and Development	Positions												
	Expenditures												
Operating	Positions	1,108.5		1,047.5		59.0	- 5						
	Expenditures	80,831		84,098		3,485	+ 4						
Totals	Positions	1,108.5		1,047.5		59.0	- 5						
	Expenditures	80,831		84,098		3,485	+ 4						

		Three Months Ended 9-30-15						Nine Months Ended 8-30-16					
COST (Expenditures in \$1,000's)		A		B		Change From A TO B		A		B		Change From A TO B	
		Budgeted		Actual		Amount	+/- %	Budgeted		Estimated		Amount	+/- %
Research and Development	Positions												
	Expenditures												
Operating	Positions	1,118.5		1,053.5		65.0	- 8	1,118.5		1,082.5		58.0	- 5
	Expenditures	21,214		17,700		3,514	- 17	63,642		66,381		4,739	+ 7
Totals	Positions	1,118.5		1,053.5		65.0	- 8	1,118.5		1,082.5		58.0	- 5
	Expenditures	21,214		17,700		3,514	- 17	63,642		66,381		4,739	+ 7

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2015						Fiscal Year 2015					
Item No.	MEASURES OF EFFECTIVENESS	A		B		Change From A TO B		A		B		Change From A TO B	
		Estimated		Actual		Amount	+/- %	Planned		Estimated		Amount	+/- %
1.	Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	300		315		15	+ 5	299		310		11	+ 4
2.	Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	400		561		161	+ 40	399		466		67	+ 17

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2015						Fiscal Year 2015					
Item No.	PROGRAM SIZE INDICATORS	A		B		Change From A TO B		A		B		Change From A TO B	
		Estimated		Actual		Amount	+/- %	Planned		Estimated		Amount	+/- %
1.	T01 Civil Actions, Circuit Court	10,600		10,098		504	- 5	10,850		10,500		150	- 1
2.	T02 Marital Actions	7,000		7,341		341	+ 5	7,020		7,320		300	+ 4
3.	T03 Adoption Proceedings	480		538		78	+ 17	455		525		70	+ 15
4.	T04 Parental Proceedings	2,510		2,509		1	- 0	2,520		2,520		0	+ 0
5.	A01 Civil Actions Filed, Circuit Court	3,258		2,449		807	- 25	3,288		3,008		280	- 9
6.	A02 Criminal Actions Filed, Circuit Court	2,200		2,088		112	- 5	2,210		2,110		100	- 5
7.	A03 Marital Actions Filed	3,983		3,813		170	- 4	4,003		3,883		120	- 3
8.	A04 Traffic - New Filings (thousands)	280		333		53	+ 19	285		330		45	+ 18
9.	A05 Traffic - Entry of Judgement (thousands)	278		289		11	+ 4	284		330		46	+ 18

JUD 310 FIRST CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2015, position variances were the result of employee turnover. Recruitment time factors for the limited number of positions that were vacated and subsequently filled also affected position variances. All position vacancies are carefully screened as part of the ongoing process to ensure that new hires are necessary to continue vital court services.

In FY 2015, First Circuit expenditures were higher than planned largely due to payroll expenditures (collective bargaining labor savings and Judge's salary restoration) that were partially offset by special fund expenditures that were less than authorized ceiling levels.

In the first quarter of FY 2016, the variance in the number of filled authorized positions is again reflective of employee turnover, recruitment time factors, and the necessary continuation of conservative hiring practices. Expenditure variances in the first quarter are largely due to the timing of actual payroll disbursements, conservative hiring practices, and normal procurement and operational practices.

For the balance of FY 2016, estimated expenditures are expected to reflect the combined effect of additional payroll expenses (as essential position vacancies are filled and payroll earned in FY 2016 by new employees subject to a 20-day pay lag is disbursed), and payments made for court ordered services. Action to fill important vacancies and recruitment time factors should result in the maintenance of normal position variances through the final nine months of the year. Estimated expenditures are also expected to increase due to collective bargaining cost items appropriated and enacted by the Legislature.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

Item 2, Median Time to Disposition, Circuit Court Civil Actions, was 40% greater than the number of days projected for FY 2015, primarily because of the unexpected length of time required to resolve and close foreclosure cases.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 5, Civil Actions Filed, Circuit Court, was 25% below the estimated level anticipated for FY 2015 primarily due to a 25% decrease in new foreclosure filings and a 40% decrease in new contract filings relative to FY 2014.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Second Circuit

Program Plan ID: JUD 320

VARIANCE DETAILS

Program Structure No. 01 01 03

PART I - VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2015					
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			
		Budgeted	Actual	Amount	+/-	%	
Research and Development	Positions						
	Expenditures						
Operating	Positions	207.0	201.0	8.0	-	3	
	Expenditures	15,138	18,000	884	+	8	
Totals	Positions	207.0	201.0	8.0	-	3	
	Expenditures	15,138	18,000	884	+	8	

		Three Months Ended 9-30-15					Nine Months Ended 6-30-16					
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B			
		Budgeted	Actual	Amount	+/-	%	Budgeted	Estimated	Amount	+/-	%	
Research and Development	Positions											
	Expenditures											
Operating	Positions	207.0	204.0	3.0	-	1	207.0	201.0	8.0	-	3	
	Expenditures	4,038	3,805	231	-	6	12,109	12,578	469	+	4	
Totals	Positions	207.0	204.0	3.0	-	1	207.0	201.0	6.0	-	3	
	Expenditures	4,038	3,805	231	-	8	12,109	12,578	469	+	4	

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2015					Fiscal Year 2016				
Item No.	MEASURES OF EFFECTIVENESS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	251	269	18	+	7	249	252	3	+	1
2.	Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	350	567	217	+	62	345	483	138	+	40

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2015					Fiscal Year 2016				
Item		A	B	Change From A TO B			A	B	Change From A TO B		
No.	PROGRAM SIZE INDICATORS	Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	T01 Civil Actions, Circuit Court	2,900	2,318	582	-	20	2,925	2,800	125	-	4
2.	T02 Marital Actions	985	940	45	-	5	994	985	9	-	1
3.	T03 Adoption Proceedings	77	64	13	-	17	78	78	2	-	3
4.	T04 Parental Proceedings	660	490	170	-	26	665	560	105	-	16
5.	A01 Civil Actions Filed, Circuit Court	825	701	124	-	15	874	775	99	-	11
6.	A02 Criminal Actions Filed, Circuit Court	873	970	97	+	11	894	984	90	+	10
7.	A03 Marital Actions Filed	565	508	57	-	10	585	551	34	-	6
8.	A04 Traffic - New Filings (thousands)	29	34	5	+	17	29	34	5	+	17
9.	A05 Traffic - Entry of Judgement (thousands)	29	31	2	+	7	29	34	5	+	17

JUD 320 SECOND CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2015, position variances were the result of normal employee turnover as well as recruitment time factors. Actual expenditures were slightly higher than budgeted due to collective bargaining increases that were appropriated via a separate bill.

In the first quarter of FY 2016, the variance in the number of filled authorized positions is minimal and a result of normal employee turnover. Expenditure variances are a result of position vacancies and normal procurement and operational practices.

For the balance of FY 2016, estimated expenditures are expected to be slightly higher than budgeted due to the liquidation of first quarter billings and collective bargaining increases that were appropriated in a separate bill. There should be normal position vacancies through the remainder of the year.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

Item 2, Median Time to Disposition, Circuit Court Civil Actions, was 62% over the estimated level in FY 2015 as the estimated number did not take into account the lengthy time needed to dispose of the foreclosure cases and the sensitivity involved in the mediation and resolution of these cases.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 1, Civil Actions, Circuit Court, was 20% under the estimated FY 2015 level, primarily due to a significant and unexpected decrease in new foreclosure filings on which the estimate was partly based (i.e., in FY 2012, new foreclosure filings totaled 905; in FY 2015, they totaled 411).

Item 4, Parental Proceedings, was 26% under the estimated FY 2015 level due to an over estimate of planned levels, an estimate which was based on FY 2014 actual numbers and which did not take into account an over 200 caseload decrease as the result of the cleanup and disposal of old cases.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Third Circuit

Program Plan ID: JUD 330

VARIANCE DETAILS

Program Structure No. 01 01 04

PART I – VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2015									
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%	Budgeted	Estimated	Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	228.0	219.0	9.0	-	4					
	Expenditures	18,205	18,970	765	+	4					
Totals	Positions	228.0	219.0	9.0	-	4					
	Expenditures	18,205	18,970	765	+	4					
		Three Months Ended 9-30-15					Nine Months Ended 6-30-16				
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%	Budgeted	Estimated	Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	228.0	217.0	11.0	-	5	228.0	222.0	6.0	-	3
	Expenditures	4,787	8,470	3,684	+	77	14,380	10,935	3,425	-	24
Totals	Positions	228.0	217.0	11.0	-	5	228.0	222.0	6.0	-	3
	Expenditures	4,787	8,470	3,684	+	77	14,380	10,935	3,425	-	24

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2015					Fiscal Year 2016				
Item No.	MEASURES OF EFFECTIVENESS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	280	504	224	+	80	270	370	100	+	37
2.	Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	400	520	120	+	30	380	420	40	+	11

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2015					Fiscal Year 2016				
Item No.	PROGRAM SIZE INDICATORS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	T01 Civil Actions, Circuit Court	3,690	3,265	425	-	12	3,730	3,630	100	-	3
2.	T02 Marital Actions	1,580	1,562	18	-	1	1,584	1,580	4	-	0
3.	T03 Adoption Proceedings	75	82	7	+	9	77	80	3	+	4
4.	T04 Parental Proceedings	1,240	1,268	28	+	2	1,243	1,250	7	+	1
5.	A01 Civil Actions Filed, Circuit Court	999	937	62	-	8	1,029	959	70	-	7
6.	A02 Criminal Actions Filed, Circuit Court	901	931	30	+	3	905	935	30	+	3
7.	A03 Marital Actions Filed	634	587	47	-	7	635	615	20	-	3
8.	A04 Traffic - New Filings (thousands)	36	40	4	+	11	36	39	3	+	8
9.	A05 Traffic - Entry of Judgement (thousands)	40	37	3	-	8	40	40	0	+	0

JUD 330 THIRD CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2015, position variances were the result of normal employee turnover as well as recruitment time factors. Actual expenditures were slightly higher than budgeted due to collective bargaining increases that were appropriated via a separate bill.

In the first quarter of FY 2016, the variance in the number of filled authorized positions is a carryover from the previous year and a result of normal employee turnover. Expenditures are greater than budgeted in the first quarter due to the majority of recurring expenses (utilities, contracts, rentals, service on a fee, purchase of service) being encumbered up front for the fiscal year. Estimated expenditures are expected to be lower than budgeted amounts for the balance of FY 2016 because of this. The remainder of the fiscal year should result in normal position variances.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

Item 1, Median Time to Disposition, Circuit Court Criminal Actions, was 80% over the estimated level in FY 2015 due a focused action to clean up and dispose of old cases.

Item 2, Median Time to Disposition, Circuit Court Civil Actions, was 30% over the estimated level in FY 2015 as the estimated number did not take into account the lengthy time needed to dispose of the foreclosure cases and the sensitivity involved in the mediation and resolution of these cases.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

None.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Fifth Circuit

Program Plan ID: JUD 350

VARIANCE DETAILS

Program Structure No. 01 01 05

PART I – VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2015											
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B Amount		+/-	%						
Research and Development	Positions												
	Expenditures												
Operating	Positions	99.0	95.0	4.0	-	4							
	Expenditures	6,911	7,367	456	+	7							
Totals	Positions	99.0	95.0	4.0	-	4							
	Expenditures	6,911	7,367	456	+	7							

		Three Months Ended 9-30-15						Nine Months Ended 6-30-16					
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B Amount		+/-	%	A Budgeted	B Estimated	Change From A TO B Amount		+/-	%
Research and Development	Positions												
	Expenditures												
Operating	Positions	99.0	95.0	4.0	-	4		99.0	95.0	4.0	-	4	
	Expenditures	1,845	1,890	45	+	2		5,535	5,588	53	+	1	
Totals	Positions	99.0	95.0	4.0	-	4		99.0	95.0	4.0	-	4	
	Expenditures	1,845	1,890	45	+	2		5,535	5,588	53	+	1	

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2015						Fiscal Year 2016					
Item No.	MEASURES OF EFFECTIVENESS	A Estimated	B Actual	Change From A TO B Amount		+/-	%	A Planned	B Estimated	Change From A TO B Amount		+/-	%
1.	Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	306	353	47	+	15		305	320	15	+	5	
2.	Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	350	460	110	+	31		345	400	55	+	16	

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2015						Fiscal Year 2016					
Item No.	PROGRAM SIZE INDICATORS	A Estimated	B Actual	Change From A TO B Amount		+/-	%	A Planned	B Estimated	Change From A TO B Amount		+/-	%
1.	TO1 Civil Actions, Circuit Court	1,300	1,305	5	+	0		1,305	1,310	5	+	0	
2.	TO2 Marital Actions	800	717	83	-	10		810	800	10	-	1	
3.	TO3 Adoption Proceedings	123	46	77	-	63		124	50	74	-	60	
4.	TO4 Parental Proceedings	530	622	92	+	17		535	600	65	+	12	
5.	A01 Civil Actions Filed, Circuit Court	300	230	70	-	23		303	287	16	-	5	
6.	A02 Criminal Actions Filed, Circuit Court	425	436	11	+	3		430	440	10	+	2	
7.	A03 Marital Actions Filed	232	222	10	-	4		233	230	3	-	1	
8.	A04 Traffic - New Filings (thousands)	13	14	1	+	8		13	14	1	+	8	
9.	A05 Traffic - Entry of Judgment (thousands)	12	15	3	+	25		13	15	2	+	15	

JUD 350 FIFTH CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2015, the variance in positions was due to normal employee turnover. The expenditure variance was the result of collective bargaining augmentation.

For FY 2016, there were no significant position and expenditure variances. For the remainder of the fiscal year, estimated expenditures are expected to reflect normal procurement and operational practices and collective bargaining augmentation.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

Item 2, Medium Time to Disposition, Circuit Court Civil Actions, was 31% over the estimated level due to an increased effort to dispose of and close old cases sitting on the court's records.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 3, Adoption Proceedings, was 63% lower than the estimated level due to an increased effort by the court to dispose of and close old cases on file.

Item 5, Civil Actions Filed, Circuit Court, was 23% lower than the estimated level primarily due to a 30% decrease in the number of mortgage foreclosure cases filed relative to the prior year on which the estimate was partly based.

Item 9, Traffic – Entry of Judgment, was 25% over the estimated level due to an under projection of the estimated level. (Note that in FY 2014, there were less than 11,000 entries of judgment as compared to almost 15,000 in FY 2015.)

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Judicial Selection Commission

Program Plan ID: JUD 501

VARIANCE DETAILS

Program Structure No. 01 02 01

PART I – VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2015				
COST (Expenditures in \$1,000's)		A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%
Research and Development	Positions					
	Expenditures					
Operating	Positions	1.0	1.0	0.0	+	0
	Expenditures	89	121	32	+	36
Totals	Positions	1.0	1.0	0.0	+	0
	Expenditures	89	121	32	+	36

		Three Months Ended 9-30-15					Nine Months Ended 5-30-16				
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%	Budgeted	Estimated	Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	1.0	1.0	0.0	+	0	1.0	1.0	0.0	+	0
	Expenditures	22	21	1	-	5	71	74	3	+	4
Totals	Positions	1.0	1.0	0.0	+	0	1.0	1.0	0.0	+	0
	Expenditures	22	21	1	-	5	71	74	3	+	4

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2015					Fiscal Year 2016				
Item No.	MEASURES OF EFFECTIVENESS	A Estimated	B Actual	Change From A TO B			A Planned	B Estimated	Change From A TO B		
				Amount	+/-	%			Amount	+/-	%
N/A											

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2015					Fiscal Year 2016				
Item No.	PROGRAM SIZE INDICATORS	A Estimated	B Actual	Change From A TO B Amount +/- %			A Planned	B Estimated	Change From A TO B Amount +/- %		
N/A											

JUD 501 JUDICIAL SELECTION COMMISSION

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

The Judicial Selection Commission (JSC) reflects no position variance for FY 2015 as the sole position was filled throughout the year. However in the second quarter of FY 2015, an employee retirement impacted the expenditure variance.

The first quarter of FY 2016 remains consistent with the JSC's cautious spending strategy.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

None.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

None.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Administration

Program Plan ID: JUD 601

VARIANCE DETAILS

Program Structure No. 01 02 02

PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2015											
COST (Expenditures in \$1,000's)		A	B	Change From A TO B				A	B	Change From A TO B			
		Budgeted	Actual	Amount	+/-	%		Budgeted	Estimated	Amount	+/-	%	
Research and Development	Positions												
	Expenditures												
Operating	Positions	228.0	213.0	15.0	-	7							
	Expenditures	32,087	32,887	580	+	2							
Totals	Positions	228.0	213.0	15.0	-	7							
	Expenditures	32,087	32,887	580	+	2							

		Threa Months Ended 9-30-15						Nina Months Ended 6-30-16					
COST (Expenditures in \$1,000's)		A	B	Change From A TO B				A	B	Change From A TO B			
		Budgeted	Actual	Amount	+/-	%		Budgeted	Estimated	Amount	+/-	%	
Research and Development	Positions												
	Expenditures												
Operating	Positions	228.0	216.0	12.0	-	5		228.0	228.0	0.0	+	0	
	Expenditures	8,615	13,930	5,315	+	62		25,732	20,786	4,946	-	19	
Totals	Positions	228.0	216.0	12.0	-	5		228.0	228.0	0.0	+	0	
	Expenditures	8,615	13,930	5,315	+	62		25,732	20,786	4,946	-	19	

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2015						Fiscal Year 2016					
Item No.	MEASURES OF EFFECTIVENESS	A	B	Change From A TO B				A	B	Change From A TO B			
		Estimated	Actual	Amount	+/-	%		Planned	Estimated	Amount	+/-	%	
1.	Average Time to Process JUDHR001 Form (days)	5	5	0	+	0		5	5	0	+	0	
2.	Average Time to Process Payment Document (days)	5	5	0	+	0		5	5	0	+	0	

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2015						Fiscal Year 2016					
Item No.	PROGRAM SIZE INDICATORS	A	B	Change From A TO B				A	B	Change From A TO B			
		Estimated	Actual	Amount	+/-	%		Planned	Estimated	Amount	+/-	%	
1.	A01 Number of Payment Documents Processed	31,543	32,328	785	+	2		31,543	32,328	785	+	2	
2.	A02 Number of Recruitment Announcements	895	749	146	-	16		895	749	146	-	16	
3.	A03 Number of JUDHR001 Forms Processed	3,000	4,418	1,418	+	47		3,000	3,500	500	+	17	
4.	A04 Library - Size of Collections (000's)	396	284	112	-	28		398	284	114	-	29	
5.	A05 Library - Circulation, Trans & Ref Use (000's)	30	50	20	+	67		30	50	20	+	67	
6.	A06 Library - Patrons Served (000's)	6	7	1	+	17		6	7	1	+	17	

JUD 601 ADMINISTRATION

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2015, the variance in positions was due primarily to normal employee turnover and recruitment delays combined with an increased number of employee retirements. The corresponding expenditure variance for the fiscal year is attributed to collective bargaining augmentation offset by special and revolving fund expenditures that were lower than authorized ceiling levels.

In the first quarter of FY 2016, the variance in positions remained relatively stable as the programs continued their recruiting efforts.

Expenditures reported for the first quarter of FY 2016 reflected full-year funding encumbered to support various contracts and operating expenses. In particular, \$2.6 million in utility expenditures, \$1.5 million for IT-related support contracts and \$600,000 in other contracts were encumbered in the first quarter. This fiscal practice results in the proportionately lower level of operating expenses projected for the remaining three quarters of FY 2016 which are offset somewhat by collective bargaining augmentation.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

None.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

The variance reflected in the HRD-JUDHR001 Forms Processed was 47% more than the estimated level in FY 2015, due to new bargaining unit agreements that were settled for certain bargaining units.

The variances reflected in the Law Library program size indicators for FY 2015 were due to a mass disposal of outdated materials and enhanced record-keeping by the neighbor islands relating to library usage and the number of patrons served.

